

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**FEBRUARY 17, 2003**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBANDALE, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, February 17, 2003, in the Ingram Office Building, Urbandale, Iowa.

### MEMBERS PRESENT

Darrell Hanson – arrived at approx. 10:15  
Kathryn Murphy, Chair  
Gary Priebe, Vice Chair  
Kelly Tobin  
Terrance Townsend  
Rita Venner, Secretary

### MEMBERS ABSENT

Lisa Davis Cook  
Lori Glanzman

### ADOPTION OF AGENDA

*Motion was made by Terrance Townsend to approve the agenda as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

APPROVED AS PRESENTED

### APPROVAL OF MINUTES

*Motion was made by Kelly Tobin to approve the minutes of the January 21, 2003 meeting as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

*Motion was made by Jerry Peckumn to approve the minutes of the January 22, 2003 meeting as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

### DIRECTOR'S REPORT

Director Jeffrey Vonk introduced Lisa Ogle as his new assistant. She will assist the Commission taking minutes and answering questions. She has been working with the department on contract terms for almost two years. Before that she worked for the Iowa State Patrol.

Director Vonk stated that since the contested case hearing on the West Gate hog confinement in Fayette County, we have had several inquiries and still have a couple pending in writing that we need to answer. The questions posed relate to your voting where you took an initial vote that was 4-3. Because the rules of the commission require a five vote majority to take affirmative action either way, a second vote was necessary. This is not well understood. Mike Murphy has taken a look at the minutes and basically substantiated that you acted correctly. Just as a way of refresher, both of our commissions, follow the law which states that a majority of the members of the commission is a quorum and a majority of the quorum may act on any matter, unless a more restrictive rule is adopted by the commission. In both cases you have adopted a more restrictive rule, and that's the rule that you are operating under today. Under the state law, should you choose, you would have the ability to propose a change to where a simple majority or whatever changes that you might like, could be proposed. We would then have to go through the rule making process to amend your operating rules. Not sure if you were all clear on this, but please ask any questions so that you will understand all the rules that you are operating under, especially in regard to vote taking.

Gary Priebe said that he discussed this a year or two ago and we decided that we wanted to stay with the five vote regardless of how many members were here.

Director Vonk said that this is currently what you are doing.

Gary Priebe stated that he still thinks that is a good policy. Personally I have never been a part of any other organization where if there was only two people there you made a decision and that was it. I still think you need the majority of the commission members, which is a five vote.

Jerry Peckumn said that the law requires a majority of a quorum and a quorum is five, so the law would require a minimum of three if there were five here.

Director Vonk said that is what the law says, unless you adopt something more restrictive.

Kelly Tobin mentioned that you can't do that at a meeting, you have to do it ahead of time.

Director Vonk said No, you would have to operate under rules just like other rules. Your decisions would be based on law and operating rules. So we would have to go through that process should you decide you want to change that.

Darrel Hanson stated that this is an unusual procedure and has never been a part of a decision making body where your procedures didn't have a default decision where if you didn't get a majority one direction then the other direction automatically succeeded. You can organize that however you want but you need a majority to pass or else it's assumed it's automatically failed or you need a majority to vote it down or it's assumed automatically passed. But I've never seen a procedure where you need to have a majority to do something. But there's no assumption of what's going to happen if nobody can agree. That to me is the biggest problem that we have in our procedural rules is we can conceivably have a whole series of four to three votes or four to four votes and never get off that point, and I think we need to make it clear one way or the other. I don't care which way that the permit is adopted unless the majority votes against it and states

their reasons or the permit needs a majority of people to support it or it's not offered. But I can really see us being stuck sometime in this gray area of is there a permit or not, because there isn't a majority to do either one. Whether it's three votes or five votes you still can run into that situation if you have somebody that abstains or doesn't want to give the permit but disagrees. I was in the position in one of these votes where I would have been willing to vote against a permit but it did not agree with the reasons stated in the motion for being against and I was opposed for making that a precedent so I wouldn't have voted for the negative motion. But I might have voted for a different type of negative motion which might of lost somebody else. At some point you just need to say we need this many votes or else this happens. Then you move on.

Jerry Peckumn said that he believes the law requires that we take action. We either take action in the denying the permit or we take action in approving the permit.

Darrel Hanson stated that by our rules we can define action as meaning failure to get a majority. And if you fail to get a majority to do something, and I assume if your rules say, in that case you have decided to do the other thing. That's taking action. Just like when the Legislature votes down a bill, they've taken action. They don't sit there and say, we didn't get a majority for it but they then don't take another vote to get a majority against it. They just say well, it's over.

Mike Murphy said there's a difference to him between a legislative item and an appeal. If you propose to pass a law and it fails, it fails. Nothing changes. Here we're talking about an appeal of a proposed permit that has been issued, got a motion to affirm it and that fails, the result there would be they don't get a permit?

Darrel Hanson said you could do it that way or say that if you don't get a majority to support the appeal then the appeal's denied.

Mike Murphy stated that the law states that the department and the commission have to give reasons for denying the permits.

Darrel Hanson said you could just say you're reason is that they didn't get a majority. You're probably safer to go the other direction and say that they need a majority to deny it, because then the majority would have to have its reasons. But if I appealed something to the Supreme Court and the Supreme Court can't agree, our decision stands. So if the applicant appeals something to us and we can't agree, I would assume that the lower decision stands. If you're going to use that kind of analogy.

Director Vonk said that in most cases our appeals regarding this issue are because the Board of Supervisors is appealing them.

Darrel Hanson mentioned that he meant the applicant.

Kelly Tobin said that unless we vote it down the permit is issued.

Mike Murphy said that the question last time was what if the commission couldn't make the decision at all either way. I don't know the legal answer there but my instinct is that the permit or proposed action of the Department, that would stand.

Darrel Hanson agreed. I think that procedurally we ought to move on with that meeting and not have to argue about what that means. What we've been told before is that we have to make a decision and if they vote it down, then we have to see if we have the votes to go the other way.

Mike Murphy stated that he thinks that one of your options is to just let it die at that point. But a lot of people were thinking that because the votes were affirmative, that meant that it was denied. I don't think that that's right.

Jerry Peckumn said that he thinks Mike made it clear that you felt that under the law you needed to make a decision.

Mike Murphy said if you wanted to change something.

Kathryn Murphy said if we did not wish to affirm a permit.

Director Vonk stated that if you wanted to deny or amend, you had to have an affirmative vote.

Kathryn Murphy said that it has to be stated for the record.

Jerry Peckumn asked are you proposing Darrel that we only take one vote?

Darrel Hanson stated that it just makes more sense to me to state the motion in the negative. You're talking about an appeal about a decision that has been made. It makes sense to state the motion in the negative to deny the permit. If that motion passes, there will be some reasons. Deny the permit because of X,Y,Z. If that passes, it's denied. If it fails, it fails. Then you move on to the next item on the agenda. From a procedural stand point that's what makes sense to me rather than say pass a motion to support it and if that doesn't succeed then pass a motion to deny it and if that doesn't succeed..... Then what do you do.

Director Vonk said then we issue the permit. I believe.

Mike Murphy said you just gave the example though that if the motion was to deny it because of A,B,C and you thought you could deny it for E., that you would vote against the motion so there should be an opportunity to make another negative motion.

Darrel Hanson said you could always make more motions, but I'm just saying that that wouldn't be a necessity. I just know from being advised in the pass that if one motion fails then you have to make the other one. What happens if that one fails? Then you have to wait another 31 days. That's just my procedural hang up. Every motion should have a consequence that if it doesn't pass, then other thing will happen. But that's the opposite position. That way you wouldn't have to keep voting.



Kathryn Murphy mentioned that perhaps Darrel's comments are something for Mike to take under advisement, explore, and get back to us at the next meeting.

Director Vonk said that a part of Darrel's comments to me are, it's a commission procedure and anytime you can, make a motion in the negative which would cause what you're saying to happen. And you can just decide that's how you're going to operate without other advice. There's no restriction.

Darrel Hanson said that sometimes failure to make a decision has to mean something. Doesn't mean you've approved.

Director Vonk said that he wanted to reassure you because we have had continued questions from folks that were in the audience that day about the legality of what you did. It's our opinion after reviewing the minutes and going through what occurred that you were correct in voting and your process. And we will be responding that way to those people.

Kathryn Murphy mentioned that she appreciated that because there were a lot of calls.

<b>INFORMATIONAL ONLY</b>
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## **AMENDED 2002-2003 DRINKING WATER STATE REVOLVING FUND INTENDED USE PLAN**

Wayne Gieselman, Administrator of Environmental Services Division presented the following item as presented.

Commission approval will be requested for the Drinking Water State Revolving Fund (DWSRF) Amended Intended Use Plan (IUP) for FFYs 2002 and 2003. The Amended IUP includes the list of projects proposed to receive loan assistance through the Drinking Water State Revolving Fund for '02 and '03 and is the initial step in preparing a grant request for the 2002 and 2003 DWSRF capitalization grants from EPA.

In August 2002, the Commission approved an IUP for 2002 and 2003. This IUP identified 28 new projects for loan assistance totaling slightly over \$73 million. Normally, IUPs are prepared for each year of grant funding, but delays in preparing the 2002 IUP due to the SRF restructuring made it advisable to combine the 2002 and 2003 IUPs to keep on schedule. The Commission was advised that the '02/'03 IUP would be amended at a later date to include more projects that could be funded with additional funds available in '03.

The attached amended IUP adds 17 new projects totaling slightly under \$22 million to the combined IUP. All applicants for loans for the '03/'4 funding cycle will receive the requested loan amounts. Loans will be made at an interest rate of 3% for periods up to 20 years for these projects. All past project activity in the DWSRF program is also summarized in the IUP.

A public hearing was held January 8, 2003 to receive comments on the amended IUP and the project priority list. The written comment period closed on January 31, 2003 and no comments

were received at the hearing or during the comment period. No changes were made to the IUP or project priority list as a result of the public participation process.

Jack Reissen said that each year we apply for a capitalization grant from EPA, we're required to do an IUP. This actually is an amended 2002-2003 IUP. We kind of put them together for various purposes. We've reconstructed the SRF, that delayed. So instead of doing separate 2002 and 2003, we've combined the two. In August of last year you approved the additional 2002 and 2003, since that time we went out for solicitation of additional projects so with this we're adding on seventeen new projects, drinking water projects for about 22 million dollars. We have the funds, the bonding issues that we use for the local matches to move forward. Everything is in place. We ask for your approval.

Jerry Peckumn asked what the grant from the EPA does?

Jack Reissen stated that it's used to capitalize that fund.

Jerry Peckumn asked if we ever have to pay it back to the EPA?

Jack Reissen said No, not unless we really screw up the fund. There are specific federal rules that are applied to that, because they have ownership. We had to provide a 20 percent state match. We do that through the sale of state bonds. We work with the Iowa Finance authority to do that. Ideally what happens is that we loan this money out for three percent up to twenty years and then the funds of this \_\_\_\_\_ paid back, plus we would have the EPA capitalization grants. I think it's around 15 million dollars a year on the drinking water side.

Jerry Peckumn asked if there was any discussion about lowering that rate?

Jack Reissen stated that we just did about a year and a half ago, we lowered it to 3. Before that is was based on year to year bond sales. We're looking at the whole financial structure of that fund and we may lower that interest even more in the future.

Director Vonk asked Jack, if we have the ability or the managers of the Revolving loan fund to get the variance of the interest rate if a small community came in and made a case of hardship?

Jack Reissen stated I suppose we could. Some of the new legislation is going forward now to national level, we require that a certain amount of the money be set aside to 0% or forgivable loan. I'm not sure where that's going to go.

Jack Reissen stated that we rank them. We have a ranking priority system in our rules. We have basically funded all colors. We didn't turn anybody down this year. There were actually four projects that we didn't fund, two were for ineligible cost and two didn't have \_\_\_\_\_ engineering plans.

Kelly Tobin asked if they have to match a fortune?

Jack Reissen said No, it is a loan. There is a loan origination fee. They just pay the loan back.

*Jerry Peckumn made a motion to move to approve the Amended 2002-2003 Drinking Water State Revolving Fund – Intended Use Plan as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CLEAN WATER STATE REVOLVING LOAN FUND – 2003 INTENDED USE PLAN**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

Commission approval of the Clean Water State Revolving Fund Intended Use Plan (IUP) for 2003 is requested. An IUP must be prepared and submitted to the EPA prior to receiving the FFY '03 SRF capitalization grant.

The FY 2003 Intended Use Plan (IUP) includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for 2003 as well as uncommitted previous years' funds. Approximately \$49 million will be provided to 22 communities for wastewater improvements. All applicants for loan funds will receive the requested amounts and no applications were denied.

A public meeting was held on January 13, 2003 to allow opportunity for input on the proposed IUP. Notice on this hearing was forwarded to EPA, city clerks and other stakeholder groups. No oral or written comments were received during the comment period prior to and during the public meeting of January 13. No changes were made to the list of projects or the IUP as a result of comments.

Jack Reissen said that this is basically the same thing for the Clean drinking water. \$49 million dollars for the twenty-two communities, it would be incorporated into the 2003 Intended Use Plan, again we didn't turn anyone away. We are asking for your approval on this item.

Kathryn Murphy asked if that was a change from past years, are we receiving more money?

Jack Reissen said this year we issued state bonds for more than what was required for the local match. On the clean water side we've actually had access of funding, because in the earlier years we built up the fund because we didn't know how long we'd get capitalization grants. Some of the big entities didn't come in. With the lower 3% we're seeing more of the bigger projects coming in and the \$49 million dollars is probably one of the largest amounts we've funded in any given year.

Jerry Peckumn asked if the cities that are applying for this are using this to upgrade their waste water facilities?

Jack Reissen stated Yes, that is correct. Another thing we're doing with Clean water is that we're looking at funding non-point source projects. Hopefully within the next two-three months we will be getting some rules to you to begin to look at expanding that to the use of non-point source projects so that we can fund things like waste water waste control, smaller feed lots, loans to various types of entities for conservation majors. Other states have done this; our law was changed since last year.

Jerry Peckumn asked if there are any of the funds not used that are available?

Jack Reissen said that in the clean water SRF we have some access funds. That's one of the reasons why we are looking at the non-point source funds, to use up some of that extra funding that is available.

Jerry Peckumn stated that for some of the cities that have permits to have sewage overflows, would they apply to have this type of monies to upgrade their waste water treatment?

Jack Reissen said that he's sure there's some in there. We may cite a community for some violations, requiring them to upgrade and this is the type of funding to do that. I do think this is working well.

*Motion was made by Kelly Tobin to approve the Clean Water State Revolving Loan Fund as presented. Seconded by Darrel Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACTS – SMALL PUBLIC WATER SYSTEM AND CERTIFIED OPERATOR TRAINING AND TECHNICAL ASSISTANCE**

Wayne Giselman, Administrator of Environmental Services Division presented the following item.

Commission approval is requested for 16 contracts to provide public water systems and certified operators with technical assistance, training opportunities, and certification assistance. The aggregate amount of the 16 contracts is \$1,446,645 with individual contract amounts varying from \$8000 to \$314,017. A list of the proposed contracts with amounts and general project summary information is attached.

A request for proposals (RFP) was sent to various entities, including targeted small businesses, posted on the Department's web site and advertised in the Des Moines Register in July 2002 soliciting proposals for various types of technical assistance and training. Proposals for the following three broad categories were requested:

- Technical assistance for public water supply systems serving less than 10,000 persons
- Technical assistance, training, and certification for operators of public water supply systems serving less than 3300 persons.

- Technical assistance, training and certification for operators of wastewater systems of all sizes.

A total of 68 proposals were received and evaluated by the process outlined in the RFP. The evaluation committed recommended funding the attached projects.

The projects will be funded from the following four sources:

- Drinking Water State Revolving Fund Technical Assistance Set-Aside funds (for technical assistance to public water supply systems serving not more than 10,000 people).
- Operator Certification Reimbursement Grant and Water Operator Certification Program funds (for technical assistance, training, and certification for water supply operators of public water systems serving not more than 3,300 people).
- The Wastewater Operator Certification Program (funds for technical assistance, training, and certification for wastewater operators of systems of all sizes).
- Public Water Supply Supervision Grant funds.

Jack Reissen stated that this contract is using a variety of sources of drinking water money. We're proposing to enter the contract with 16 different entities, various types of technical assistance training. Sixteen contracts with slightly less than \$1.5 million dollars. These are various types of assistance training things especially for small water supply. Some of the money comes out of the \_\_\_\_\_ Rock \_\_\_\_\_ expenses that we have set aside. So we're actually using four different types of funding for these projects.

Terrance Townsend asked if we have a process in place where someone determines the quality of this training and the confidence of the person receiving this training? As far as if it's doing any good.

Jack Reissen stated that when we write contracts there are various deliverables. When administering contracts, yeah we do have to make sure that they are receiving the type of products that they expect. As a part of this, we will go back in three \_\_\_\_\_ to see if these things are working.

*Motion was made by Darrel Hanson to approve the contract as presented. Seconded by Kelly Tobin. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **JOINT FUNDING AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR DEVELOPMENT OF A GROUNDWATER FLOW MODEL FOR JOHNSON COUNTY**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval will be requested for a Joint Funding Agreement (JFA) with the U.S. Geological Survey for the study of the sustainability of water withdrawals from the Silurian Dolomite Aquifer in the northern portion of Johnson County. Under the JFA, the Department will provide \$72,300 to the USGS for the two year project.

The Silurian Dolomite Aquifer, a fractured limestone bedrock unit between 200 and 600 feet below the Johnson County land surface, is the primary source of drinking water in the northern half of Johnson County. This area has experienced significant growth in the last several years and the current and future effects of this growth on the aquifer need better definition.

The JFA provides for the development of a new groundwater flow model, to be done in a partnership by the U.S. Geological Survey (USGS) and the Iowa Department of Natural Resources Geological Survey Bureau. Because of the complexity of the groundwater flow system and the number of wells now pumping from this system, a model is necessary to provide the analytical capability for determining present and future effects of water withdrawals from this aquifer.

Three parties will contribute funding for this project: USGS will contribute \$91,600 and the Johnson County Council of Governments and the Department will contribute \$72,300 each. The Department's share will come from the technical assistance set-aside account of the Drinking Water State Revolving Loan Fund (DWSRF). The DWSRF Program Guidelines allow technical assistance projects such as this study to be funded.

Jack Reissen mentioned that this is another contract. Joint funding agreement is joint with the USGS. This basically would establish a ground water model for North Johnson County. This is an area where there is a lot of development pressure, a lot of private wells. This would actually develop a model so we can better price and look at the ground water system there and see what the stand view is. It would be basically a two year project; we would be kicking in \$72,300 dollars. Also the Johnson county governments would be contributing the like amount and USGS would be contributing \$19,000 dollars to the total project.

*Motion was made by Jerry Peckumn to approve the Joint Funding Agreement as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **IOWA LAKES MAPPING AND SEDIMENT CORE STUDY PROJECT, PHASE 2, USGS JOINT FUNDING AGREEMENT**

Wayne Giesleman, Administrator of the Environmental Services Division presented the following item as presented.

Commission approval is requested for a Joint Funding Agreement with the U.S. Geological Survey to perform Phase 2 work for the Iowa Lakes Mapping and Sediment Core Study Project. The Department will contribute \$90,000 of the total project cost of \$180,000. The work includes lake mapping, sediment volume estimates, sediment coring, and core analysis for five lakes on the Iowa impaired waters list for siltation.

The five lakes proposed for Phase 2 of the project in 2003 are:

- Lower Gar Lake, Dickinson County
- Lake McBride, Johnson County
- Easter Lake, Polk County
- Don Williams Lake, Boone County
- Lake Meyers, Winneshiek County

The core sample information, sediment volume analyses, and bathymetric maps generated by the ongoing project will be used to develop siltation TMDLs and to evaluate and refine new mapping and sediment coring methods and procedures. Phase 1 of the project consisted of the same set of work items performed on three Iowa Lakes: Lake Darling, Lake Icaria, and Badger Creek Lake. Phase 1 field and preliminary processing work was completed in December 2002. Similar work for Lake Mariposa in Jasper County and four more lakes not yet selected are anticipated for future funding agreements with the USGS.

The cooperative agreement with USGS is for the period of February 2003 to September 2004. The department will provide \$50,000 for the project from an EPA 2002 TMDL Supplemental 104 (b)(3) Fund Grant already received and \$40,000 from either a 2003 TMDL Supplemental 104 (b)(3) Fund Grant or EPA Section 319 grant funds. The USGS will provide the remaining \$90,000 under their cooperative program.

Jack Reissen said that this would also be with USGS. This is actually a part of our TMDL work. It would basically go out and get sediment samples and coring analysis. The five lakes that we're proposing right there, we may go back and change those. The list we sent to EPA, some of these were delisted. If the EPA agrees and takes them off the list, then we'll substitute other lakes that are on the new list. If the EPA does not follow through and approves the D listing and they remain on the 303 D list. Then these are the lakes that we will concentrate on. Lower Gar Lake will probably stay on. It may not be on for sedimentation, but for nutrients or something. At this point we want to get this contract in place and then when the EPA acts on our 303D list we can go back and amend it to add different lakes. This will take place very soon on all the lakes mentioned. We do have most of the phases from the other lakes mentioned. Yes, it is public information. So the cost of the contract is \$90,000 and the total project is \$180,000. USGS would contribute \$90,000 under there cooperative program.

*Motion was moved Jerry Peckumn to approve the Joint Funding agreement as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION AND ADOPTED AND FILED EMERGENCY –  
CHAPTER 22 “CONTROLLING POLLUTION” - REVISE CAP ON ANNUAL TITLE V  
OPERATING PERMIT FEES**

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The Commission will be asked to approve a Notice of Intended Action and Adopted and Filed Emergency amendment to Chapter 22, “Controlling Pollution”, 567 Iowa Administrative Code.

The purpose of the rulemakings will be to increase the maximum dollar per ton fee (a.k.a. “fee cap”) specified in 567 Iowa Administrative Code subrule 22.106(1). The maximum fee that the Environmental Protection Commission is currently allowed (by rule) to charge annually on the first 4,000 tons of actual emissions of each pollutant, from sources subject to Title V permitting, is \$29 per ton. Budget projections and estimates of actual emissions indicate that this annual fee will have to be increased to maintain the current level of service with increases in staff salaries due to negotiated contract increases. The current annual fee is \$29 per ton, which is at the maximum cap level. Therefore, the Commission is asked to raise the fee level cap to \$39 per ton allow for possible increases in annual fee levels for at least the next three state fiscal years.

Chapter 22.106(1) of 567 Iowa Administrative Code requires that the Environmental Protection Commission set the annual fee for the coming fiscal year no later than the May Commission meeting. For the fee cap rule change to become effective prior to the May Commission meeting, the department is asking the Commission to approve an Adopted and Filed Emergency amendment simultaneously with the Notice of Intended Action.

The Department met with a representative group of Title V fee payers and the Association of Business and Industry on January 9, 2003 to discuss the fee level cap increase. The data, assumptions, and methodology used to determine the \$39 per ton fee level cap were reviewed and discussed in detail. The \$39 per ton fee level cap was determined to be reasonable based on budget projections and estimates of actual emissions for the next three state fiscal years. The Department will continue to work with Title V fee payers and the Association of Business and Industry to reduce and control its costs of service and investigate alternate funding mechanisms in an effort to prevent the need for future increases in the fee level cap. The fee level cap was last raised in April 2000 from \$25 to \$29.

If public comment during the Notice of Intended Action period informs the Commission that the preliminarily set fee cap level (established in the Adopted and Filed Emergency amendment) should be changed, the Commission will be able to do so in their final action in May.

Catherine Fitzsimmons stated that we are requesting your approval of the Notice of Intended Action for us to raise the cap on what you may set the title fund fee. Annually we come to you to set the annual fee and we will be bringing you a draft budget for you to look at for our state fiscal year 2004 budget. Then we will be asking for your approval on that budget and the fee predicted off the admissions information that we will be receiving in March. We will be asking for your approval for that specific fee at the May Commission meeting. This past year our fee was set at



\$29.00 per title. That is what the current cap is set at. What we've done is gone to our client contact group on certain fee payers and provided them with a draft budget looking at three years. To look at where we might want to set the cap for the future. That would include about a ten dollar per time increase over the three years. Our prediction of that is just enough to cover staff and contract increases. And some minor costs to cover photocopiers, regular computer cost replacements. Basically a status quo budget. What we're trying to do is just not come back to more sooner than three years as for an increase in the fees. One of the things that Jim mentioned to you last time is that they're very interested in seeking alternative fee methods to pay for the portion to supplant the Title V fees. Title V fees not only pay for the drafting issuance, motoring and compliance for Title V activities, it also pays for new source construction committees for major sources. The fee group is very interested in us modifying our rules and getting appropriate statutory language change to have fees for those construction permits. Our best estimate on if we began the process by looking at a variety of fees structure for that and if we're interested in moving forward. It would be about a year and a half before we would be able to implement that, because we would be looking at statutory changes and developing a fee structure. Those are their wishes that we go had and proceed with the three year fee cap to cover that period of looking toward shifting some of those costs to an alternate fee.

Terrance Townsend asked if you will also initiate working on a plan to develop an alternative, if that is possible?

Catherine Fitzsimmons said Yes, that will begin this spring if the fee payers continue to be interested in that and if the department feels comfortable with moving forward.

Rita Venner asked if that fee is strictly for Title V?

Catherine Fitzsimmons said strictly for the admissions submitted every year by the Title V sources. They are not all the admissions, they only pay up to 4,000 tons of there admissions for each pollutant.

Jerry Peckumn stated that it seems to me like a rather large increase? Why is that?

Catherine Fitzsimmons stated that we have looked at our state contracts and our county contracts which comprise a majority of our staff salaries. Our staff is so young, they are not capped out. The contracts allow for a general 2% cost of living increase and either 4% or 5% staff increase in their salaries until they reach they're maximum range. We have that for approximately 49 contractors that we pay for through the local programs in the University Hygienic Lab and the Dept. of Economic development. Plus, our 56 staff people. It's not for that whole component. Plenty of our staff people are paid for out of general fund and federal funds. The remainder of our staff is a portion of the major source activities.

Jerry Peckumn asked what drive the fee of the polluter, like a power generation plant, they really can't become cleaner and reduce their fee can they?

Catherine Fitzsimmons said that they can't because it would take a lot of revision reductions to get below 4,000 tons to start with. We have had some decreases from major utility that

decreased their pollutant from 8,000 tons that they weren't capped at. That actually meant that we had to increase our fee the following year because we look at the total number of tons admitted. If some decrease then the dollar per ton then goes up in compensation. It is meant to fund the Title V fee program. One of the things we have been looking at with the possibilities of what we can do with the construction permit program, we would like to reduce the admissions out of that program. Or look at mechanisms through the Title V program for people to reduce their fees now. If people reduce their admissions enough they get out of the Title V program and then they don't have to pay fees. To be in the Title V program, you have to admit 100 tons or more of one of criteria pollutants or ten tons of a single air toxic pollutant or twenty five of the all air toxic pollutants combined. You get down to only admitting ten tons and still get into the program. Carbon dioxide is not considered a pollutant.

Rita Venner asked if they have looked at another way of funding? It doesn't make sense that if they reduce their pollutant that the rest of them have to pay more. There's no incentive there.

Catherine Fitzsimmons said we have looked at what all the other states are doing and in fact last year you asked us to look at alternative ways to fund the fee program. Some have a 6,000 ton fee; some is based on actually admissions. They come up with the idea to have the fee a minimum of a thousand dollars per facility to try and equalize, to say that even the smaller facilities require a certain amount of activity from the department and they should at least be paying for their part to shift the burden of the middle size folks. We it forward to rule making and there was really no interest in pursuing that either by the fee payers or the commission. Most states have this set up. The fees range from state to state about \$21.00 to \$50.00 with a 4,000 ton cap. Some people also assess the potential to admit is over 100 tons, but there actually admissions are less than a 100 tons. Most other states have fees for their construction permitting, which we don't.

Director Vonk stated that he thinks we had that discussion with the commission up in Boone.

Terrance Townsend asked what is the need for filing emergency on this?

Catherine Fitzsimmons said that we should have started this a month earlier because for you to set the fee for the annual fee at the May commission meeting the rule to raise the cap has to already be effective. You have to give yourself permission to raise the fee higher than the existing cap. The requirement that you set a cap is something that the commission set it is not considered statutory or under the Title V program. The fee payers earlier on wanted there be a back stop on the commission that there would have to be a re-review of everything periodically.

*Moved by Darrel Hanson to approve the Notice to Intended Action and adopted and filed emergency as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULES – CHAPTERS 4 “PERMANENT ASSIGNMENT OF PETROLEUM PRODUCTS” AND 18 “STATE ENERGY CONSERVATION PROGRAM AND ENERGY EXTENSION SERVICES**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

In response to the need to modify existing administrative rules and the Governor’s Executive Order 8, the following brief and attachment are presented.

The Department reviewed existing rules in spring of 2000. Proposed rule changes were developed and presented at town-hall meetings in summer of 2000 with no comment from meeting participants.

The following paragraphs provide a brief narrative of changes to existing rules by chapter.

**Chapter 4 – Permanent Assignment of Petroleum Products**

- Amend Bureau references to current Bureau name.

**Chapter 18 – State Energy Conservation Program and Energy Extension Services**

- Change the title of the chapter to **State Energy Program** in accordance with U.S. Department of Energy’s current terminology.
- Revise contents to reflect updated program procedures and policies.

The attachment provides each administrative rule included in this Proposed Rules complete with strikethroughs and underlines.

The Department will request the Commission’s approval in the March 2003 meeting to start the formal rule making process on the attached proposed rules.

Angela Chen briefed the commission concerning these Chapter changes. This will be coming to your attention at the March commission meeting.

<b>INFORMATIONAL ONLY</b>
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**PROPOSED RULES – RESCIND IAC 565 CHAPTERS 7 “ENERGY MEASURES AND ENERGY AUDITS GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS,” 8 “TECHNICAL ASSISTANCE AND ENERGY CONSERVATION,” 16 “SOLAR ENERGY AND ENERGY CONSERVATION BANK,” 17 “BUILDING ENERGY MANAGEMENT FOR STATE AND LOCAL GOVERNMENT,” AND 19 “GRANTS TO NONPROFIT AND LOCAL GOVERNMENT HOUSING ORGANIZATIONS**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

In response to the need to modify existing administrative rules in accordance with the Governor's Executive Order 8, the following brief and attachment are presented.

The Department reviewed existing rules in spring of 2000. Proposed rule changes were developed and presented at town-hall meetings in summer of 2000 with no comment from meeting participants.

The following paragraphs provide a brief narrative of changes to existing rules by chapter.

**Chapter 7 – Energy Measures and Energy Audits Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions**

- Delete the entire chapter because the programs in this chapter have been merged with programs in Chapter 6.

**Chapter 8 – Technical Assistance and Energy Conservation: Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions**

- Delete the entire chapter because the programs in this chapter have been merged with programs in Chapter 6.

**Chapter 16 – Solar Energy and Energy Conservation Bank**

- Deleted chapter in its entirety. Funding no longer exists for this program.

**Chapter 17 – Building Energy Management for State and Local Government**

- Delete the entire chapter because the programs in this chapter have been merged with programs in Chapter 6.

**Chapter 19 – Grants to Nonprofit and Local Government Housing Organizations**

- Deleted chapter in its entirety. Funding no longer exists for this program.

The Department will request Commission's approval in the March 2003 meeting to start the formal rule making process on the attached proposed rules.

Angela Chen briefed the commission on the chapter changes. This will be brought to you for a decision at the March commission meeting.

INFORMATIONAL ONLY
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**CONTRACT – POLK COUNTY – THE REBUILD IOWA PROGRAM**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the attached contract for services between the Department and Polk County, to have Polk County as a second year community partner in the Department's Rebuild Iowa Program. The contract amount is not to exceed \$60,000 for the period March 2003 through February 2004. This expenditure will result in Polk County continuing to develop and implement the Rebuild Polk County Program that has over the course of a first year's partnership worked for local environmental and economic sustainability through activities and projects that include:

- Facilitating the identification, financing, and installation of cost-effective energy efficiency improvements in its buildings to save money, protect the environment, and create jobs.
- Improving its building infrastructures for greater occupant comfort, decreased maintenance needs, and longer life as new equipment is installed.
- Developing local resources for making the Rebuild Polk County Program self-sustaining.

### **Background**

60% of all money spent on energy in Iowa leaves to augment the economies of other states and nations. Studies show that for every \$1 million dollars invested in local energy improvements -

- 25 job-years are created; and,
- money spent on energy efficiency will turn over in a community an average of three times.

A primary mission of the Department's Energy & Waste Management Bureau is to assist Iowans achieve energy savings through the development of partnerships, and by focusing on marketing and message development. This includes:

- Helping communities develop programs that use local resources.
- Funding project coordinators for communities to facilitate projects and overall Program processes.
- Providing access to highly trained energy efficiency professionals to assure high quality projects that save money.

Rebuild Iowa is a community based energy efficiency program sponsored by the Iowa Department of Natural Resources, and affiliated with the US Department of Energy's Rebuild America program. Currently, six communities are participating in the Rebuild Iowa Program: Cedar Valley, Centerville, Hamilton County, Muscatine, WinWorth BetCo (Winnebago and Worth Counties) and, most recently, Polk County. The primary objective of the Rebuild Iowa Program is to positively impact communities through investments in energy efficiency that help improve their local economies and enhance their environmental sustainability.

The Rebuild Iowa Program results to-date:

- 411 Building Owners have enrolled in the Program, representing 1,131 buildings.
- 996 Energy Audits have been completed since the Rebuild Iowa Program began reporting in 1997.
- Over 7.3 million square feet of facilities have been retrofitted with energy management improvements that have total installed costs of nearly \$9.7 million and more than \$1 million in estimated annual savings.

**Contractor Selection**

The Bureau concluded a competitive selection process in early 2002 by negotiating and executing a contract to add Polk County as a new Rebuild Iowa community partner. During the past year, the Rebuild Polk County Program has made substantial progress:

- It has collaborated successfully with the Department's companion Iowa Energy Bank Program. Under several Energy Bank agreements, Technical Engineering Analyses have been conducted on five major Polk County buildings and Building Energy Surveys were conducted on two smaller facilities. A Memorandum of Agreement has recently been signed that commits Polk County to conducting various levels of energy studies on nine more buildings with a total of over 560,000 square feet.
- Their monthly Steering Committee meetings include high-level County administrators, such as department heads and representatives of the Board of Supervisors. The Committee has helped develop and oversee the execution of the County Environmental Management System, as well as the ongoing work on updating and carrying-out the Rebuild Polk County Action Plan.
- More than a dozen individuals, businesses, and organizations have signed documents formally supporting the Rebuild Polk County Program.
- Weekly "Waste Not" articles are produced by the Rebuild Polk County Coordinator. Subscribers receive information on practical tips for saving energy and reducing waste on the job and in their private lives. The "Polk County Newsletter" has had pieces reporting on the progress of the Rebuild Polk County Program, as has the *Des Moines Business Record*.

The practice of the Rebuild Iowa Program is to offer a renewed one-year contract to community partners whose performance strongly indicates that further development and continued achievement will be obtained. The success and prospects of the Rebuild Polk County Program provide just such indications.

No general fund monies will be used for a renewed Rebuild Polk County contract.

At this time, the Department requests Commission approval to enter into the contract with Polk County for having the Rebuild Polk County continue as a second year community partner in the Department's Rebuild Iowa Program.

Brian Button stated that this program has been around since 1997 that receives funding from the department of energy and the primary objective of the program is to positively impact communities through investments in energy efficient that help improve their local economies and enhance their environmental sustainability. It's a competitive process in communities if they're awarded a grant we will have an energy management coordinator that will go out and look for energy efficiency opportunities with in that community. We have worked with 16 communities since 1997. We tried to work with them on a three year cycle and at this moment we have six communities that we are working with. We have Cedar Valley, Centerville, Hamilton County, Muscatine, Winnebago and Worth Counties are working cooperatively and most recently Polk County. Now the contract before you is for the second year of Polk Counties participation and it's not to exceed \$60,000.

Darrel Hanson asked if these projects primarily energy conservation projects or do you have any alternative energy projects that are being funded through this?

Brian Button stated that these are primarily energy efficient.

Darrel Hanson mentioned that not really addressing the source of the energy but just the use of it. Is that a fair extinct?

Angela Chen said that is correct.

*Motion was moved by Darrel Hanson to approve the contract with Polk County – The Rebuild Iowa Program as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT – THE CITY OF MAHARISHI VEDIC CITY, IOWA – THE REBUILD IOWA PROGRAM**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the attached Contract for services between the Department and the City of Maharishi Vedic City, Iowa (the City), to make the City a new community partner in the Rebuild Iowa Program. The Contract amount is not to exceed \$29,000 for the period March 2003 through August 2003. This expenditure will result in the City developing and implementing a Rebuild Vedic City Program that will work for local environmental and economic sustainability through activities and projects that include:

- Facilitating the identification, financing, and installation of cost-effective energy efficiency improvements in local buildings to save money, protect the environment, and create jobs.
- Improving local building infrastructure with greater occupant comfort, decreased maintenance needs, and a longer life as new equipment is installed.
- Developing relationships with local financial institutions to establish loan funds that are repaid from energy savings.

### **Background**

60% of all money spent on energy in Iowa leaves to augment the economies of other states and nations. Studies show that for every \$1 million dollars invested in local energy improvements -

- 25 job-years are created; and,
- money spent on energy efficiency will turn over in a community an average of three times.

A primary mission of the Department's Energy & Waste Management Bureau is to assist Iowans achieve energy savings through the development of partnerships, and by focusing on marketing and message development. This includes:

- Helping communities develop programs that use local resources.
- Funding project coordinators for communities to facilitate projects and overall Program processes.
- Providing access to highly trained energy efficiency professionals to assure high quality projects that save money.

Rebuild Iowa is a community based energy efficiency program sponsored by the Iowa Department of Natural Resources, and affiliated with the US Department of Energy's Rebuild America program. Currently, six communities are participating in the Rebuild Iowa Program: Cedar Valley, Centerville, Hamilton County, Muscatine, WinWorth BetCo (Winnebago and Worth Counties) and Polk County. The primary objective of the Rebuild Iowa Program is to positively impact communities through investments in energy efficiency that help improve their local economies and enhance their environmental sustainability.

The Rebuild Iowa Program results to-date:

- 411 Building Owners have enrolled in the Program, representing 1,131 buildings.
- 996 Energy Audits have been completed since the Rebuild Iowa Program began reporting in 1997.
- Over 7.3 million square feet of facilities have been retrofitted with energy management improvements that have total installed costs of nearly \$9.7 million and more than \$1 million in estimated annual savings.

### **Contractor Selection**

The Bureau mailed copies of the RFP to the Iowa League of Cities, the Iowa State Association of Counties, the Iowa Association of Municipal Utilities, the Iowa Environmental Council, and the Iowa Association for Energy Efficiency, the Iowa Main Street Program, the Iowa Association of Rural Electric Cooperatives, and Iowa Trees Forever/I-Renew for posting in their respective publications. The Bureau made the RFP available on our web site, and advertised the RFP in a Wednesday and a Sunday issue of *the Des Moines Register's* "Section for Official Publication of Legal Notices." Additionally, twenty-one public and private entities that had expressed an interest in this RFP were e-mailed a copy, and the state's Targeted Small Business notification procedure was followed.

Two proposals were received. A review team consisting of two Bureau staff and a current Rebuild Iowa Community Coordinator evaluated the proposals. Review criteria included: demonstrated ability to develop and maintain a community-wide program, commitment of community partnerships, proposed promotional and public "buy-in" activities, amount and type of contributions/cost share from community, community commitment to economic development, and number and types of buildings potentially committed for improvements.

After assessing the proposals, the review committee selected the City of Maharishi Vedic City, Iowa. Reasons for the selection include:

- the City's dynamic enthusiasm for the purposes and objectives of the Rebuild Iowa Program.
- the City's prior involvement in a number of energy efficiency and environmental sustainability projects in connection with the Maharishi University of Management, the



Maharishi School of the Age of Enlightenment, and the local communities of Fairfield and Jefferson County.

- the sound indications that at least \$50,000 worth of energy management improvements and renewable energy projects could be implemented through the efforts of a new Rebuild Vedic City program during the Contract period.
- the commitments that have been obtained from the affiliated educational institutions, the Fairfield campus of Indian Hills Community College, and more than a dozen businesses and local organizations.
- the city's cost share and contributions from the community in amounts exceeding that expected to be offered as payments from Rebuild Iowa.

<u>The reviewers' scores:</u>	<b>Reviewer 1</b>	<b>Reviewer 2</b>	<b>Reviewer 3</b>	<b>Avg. Score (100 max)</b>
<b>Maharishi Vedic City</b>	83	87	85	<b>85.00</b>
<b>Rebuild Dubuque project</b>	46	72	82	<b>66.67</b>

No general fund monies will be used to meet these obligations.

At this time, the Department requests Commission approval to enter into a Contract with the City of Maharishi Vedic City, Iowa, for making the City a new community partner in the Rebuild Iowa Program.

Brian Button said that this contract is not to exceed \$29,000.

Darrel Hanson stated that he knows the dollar amount is probably not high enough to do this but under this program would a community be eligible to apply if they were looking at something such as \_\_\_\_\_grass energy project or something like that.

Brian Button said that this would probably not be an appropriate source. This is to give them some local expertise, to go and do energy audits to identify those opportunities. Now maybe, something would come out of that.

*Motion was made by Kelly Tobin to approve the contract with Maharishi Vedic City. Seconded by Darrel Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINAL RULE — RESCIND CHAPTER 108, "REUSE OF SOLID WASTE" AND ADOPT THE FOLLOWING NEW CHAPTER IN LIEU THEREOF. RENAME CHAPTER 108 "BENEFICIAL USE DETERMINATIONS: SOLID BYPRODUCTS AS RESOURCES & ALTERNATIVE COVER MATERIAL."**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Notice of Intended Action for this rulemaking was approved by the Commission at its November 2002 meeting. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau's administrative rules for the beneficial use of solid waste are being revised as directed by the Governor's Executive Order No. 8. The beneficial use chapter establishes rules for determining when a solid byproduct is a resource and not a solid waste. The chapter also encourages the utilization of solid byproducts as resources when such utilization improves, or at a minimum does not adversely affect, human health and the environment.

Numerous solid byproducts that present low or negligible risk are produced in Iowa in high volumes. These materials include, but are not limited to, coal combustion byproducts, foundry sand, and paper mill sludge. Such byproducts need not be disposed of in a sanitary landfill, unnecessarily utilizing permitted disposal air-space, if safe and economical beneficial use alternatives exist. This chapter defines universally approved beneficial uses, based on the Department's previous permitting experiences, and the application process for new beneficial uses.

These rules were developed in conjunction with an advisory committee consisting of industrial waste generators, engineers, industrial waste users, IDNR field office staff, the Iowa Waste Exchange, and ISOSWO. Furthermore, additional guidance was solicited from other states, the U.S. Department of Energy, and the U.S. EPA.

A public hearing was held on January 8, 2003 and written and oral comments were received. The comments pertained to clarifications of the rules or to request the inclusion of certain byproducts and their uses. Clarifications to the proposed chapter were made and a responsiveness summary published.

Jeff Myron mentioned that we had a public hearing on January 8 on which we received a few comments. I believe they were primarily clarifications, such as who applied for alternative cover permit for the landfill or was it the generator of the materials. We had an incorrect asbestos reference that caused a little bit of confusion, but we caught that and fixed it. We also had some requests for other inclusions in the universal approval list. How we came up with that list was that we looked at previous permits that were being issued in other states and we hadn't seen a lot of those case studies out there. We didn't include it in the rule. It doesn't mean we won't go back and do it in the future. I'm not saying that we wouldn't approve them if they came in; we just haven't seen enough of them to include them in the rule at this time.

Kathryn Murphy said that she believes that it is of importance and very positive the bureau continues to include stakeholders in the rules development. I think that is very important.

*Motion was moved by Terrance Townsend to approve the Final Rule of Rescinding and renaming of Chapter 108 as presented. Seconded by Darrel Hanson. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**NOTICE OF INTENDED ACTION – AMEND CHAPTER 109, “SPECIAL WASTE AUTHORIZATIONS”**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is provided the attached Notice of Intended Action for approval of the rulemaking described therein. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau administrative rules for Special Waste Authorizations are being revised to include stabilized grit, bar screenings and grease skimmings to the category of general special wastes. This revision will eliminate the need for a Special Waste Authorization for the delivery of this common waste to a permitted sanitary landfill.

Another revision will add the conditions and requirements that shall be met by the sanitary landfill and /or the generator for the disposal of general special wastes (which will be petroleum-contaminated soil; asbestos-containing wastes; and stabilized grit, bar screenings and grease skimmings).

The last revision will correct an omission that was made in the paragraph that addresses infectious waste.

This rule making was presented to the Commission at January’s meeting as an information item.

Brian Button said this this is to amend Chapter 109 Special Waste Authorizations. Special waste is a non-hazardous solid waste. Because of it’s characteristics it requires some sort of special handling at the landfill. What we’re trying to do is to simplify the process by adding grit, bar screenings, which are a by-product of waste water treatment plants. Virtually all landfills receive this materiel, so we’re calling it a general special waste along with asbestos and petroleum contaminated soil. Putting the handling requirements right in the rule. What that means is the individual generators and landfills don’t have to come to us for a special waste authorization. We’re also cleaning up the land fill permits in this process, by taking those requirements for asbestos petroleum contaminated soil, which are pretty lengthy and putting them right in the rule and removing them from the permit. Then the permit will be a little easier to get through for everyone. There will be a public hearing on April 8<sup>th</sup> at 10:00 in the Wallace Building. We did talk to the Iowa Society of Solid Waste Operations and they were very favorable with us moving forward with this.

Jerry Peckumn asked what product does the water utilities take the landfills?

Brian Button said that it's grit bar screenings and grease skimmings. Essentially this is the stuff that is taken out during the primary treatment. It's coarse material. It does have to be stabilized in some cases for PH. They have to make sure that it's taken care of prior to going out to the landfill.

*Motion was made by Rita Venner to approve the Notice of Intended Action to Amend Chapter 109 as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE—AMEND IAC CHAPTER 567-117 “WASTE TIRE MANAGEMENT”**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Attached for the Commission's information and review is a Notice of Intended Action to amend administrative rule chapter 567-117 “Waste Tire Management.” The request for action on this rule chapter will allow the department to include appropriate references to enforcement authority and penalties for non-compliance with provisions of this rule chapter, as contained within Iowa Code chapter 455B.301 through 455B.307.

Inclusion of references to these Iowa Code chapters will ensure that the department has the necessary authority to enforce compliance with the rule chapter. These amendments will provide greater effectiveness, clarity, and consistency with legislative intent and statutory authority for waste tire management and regulation.

The commission will be requested to approve this Notice of Intended Action at its March meeting.

Brian Button mentioned that this is a very minor change. The waste tire mandates are in Chapter 455D, all the solid waste enforcement authority, penalties are in 455B. When we went and drafted chapter 117, we made no reference to 455B.301 through 455B.307, which is again where the department's authority rests. We want to make that reference in order to be able to go out and take enforcement and issue penalties. So that is essentially what the revision is. This will come to you in March for approval.

**INFORMATIONAL ONLY**

**CONTRACT – RECYCLE AMERICA-ASSET RECOVERY AND MIDWEST ELECTRONICS RECOVERY - SCHOOL AND AEA COMPUTER COLLECTION PROJECT**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the Department entering into a contract with Recycle America – Asset Recovery and Midwest Electronics Recovery for an Iowa schools computer recycling event project that targets reuse and recycling of computers, computer-related peripherals, televisions and other electronic equipment originating from Iowa schools and Area Education Agency (AEA) offices. The contract amount is not to exceed \$50,000. This expenditure will result in:

- the reuse and recycling of the targeted items listed above;
- provide data in support of the national electronics product stewardship initiative; and
- provide data in support of HF 2302 requiring the Department to develop a strategy for the recycling of electronics goods and the disassembly and removal of toxic parts from them.

### **Background**

The Energy & Waste Management Bureau in developing work plans for Fiscal Year 2003 identified the need to conduct pilot projects relating to the collection, reuse and recycling of computers, computer peripherals, televisions, and other small electronic items. Electronics are one of the fastest growing contributors to the solid waste stream with computers as a primary source thus creating an enormous waste management concern in terms of volume and toxicity.

The manufacture of computers, televisions, and other small electronics typically involves the use of lead, mercury, cadmium, and brominated or halogenated compounds that are known to cause severe health and environmental concerns. In 2001, Iowa's estimated e-waste volumes added 3.3 million pounds of lead to the waste stream, making electronics the single largest contributor. Schools are one of the most challenged entities regarding the proper management of such waste due to limited budgets and current recycling infrastructure for these items. With this in mind, as well as the expansive network of Iowa schools potentially impacted by the proper management of this waste stream, the Energy and Waste Management Bureau determined it vital to make this schools collection project an important facet of the Iowa electronics initiative.

In December 2002, a computer collection opportunity notice was sent to all school superintendents and AEA offices in the state. The purpose of this notice was to gauge the level of interest as well as estimate the number of televisions, computers, computer-related items, and other electronics that are in need of proper end-of-life management. The response was quite high. Over 6,000 computer monitors, nearly 6,000 computers, nearly 3,000 printers, along with keyboards, cable, scanners and other computer related equipment were identified as needing proper management. As with other pilot electronics collection projects sponsored by the Department, a nominal fee will be charged to participate. The cost to participate in this event is \$5 for the first three computer monitors/televisions and \$5 for each additional monitor/television thereafter. There are no additional fees to participate. Participation fees are designed to instill consumer responsibility and to help offset the cost of proper management.

Based on school and AEA office responses to the opportunity notice, the energy and Waste Management Bureau has identified central collection locations across the state in which participants will transport their materials for collection. Collection events are expected to take place in May and June.

**Contractor Selection**

The Bureau mailed copies of the RFP to all known computer and electronics recyclers, notified the Targeted Small Business office, and made the RFP available on our web site. Five proposals were received. A review team consisting of four Bureau staff reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, cost, and references.

After reviewing the proposals, the review committee recommends awarding contracts to two contractors. It is suggested that it is appropriate to award a partial contract to the overall highest scoring applicant of six of the eight events, and awarding a contract for the remaining two events to the highest scoring Iowa bidder. It is proposed that Recycle America - Asset Recovery Group located in St. Paul, Minnesota and Midwest Electronics Recovery located in Walford, Iowa be awarded the above noted contracts.

Scoring of the applicants was based on multiple priority areas including: the firms' previous experience on similar projects, appropriate handling and processing of collected materials, and the cost of the collection and recycling events. Based upon the committee's review of proposals, the following average scores are presented.

**Average Score (100 max)**

Computer Recycle Bin	53.5
Recycle America – Asset Recovery Group	82
United Recycling Industries	78
Midwest Electronics Recovery	77.75
Nxtcycle	66.25

The review committee recommends two contractors because it is felt that it is in the best interest of the State of Iowa that a locally based recycling firm be included in this project as this presents the best hope of sustaining the availability of electronics recycling for all Iowans. In evaluating these applicants, this desire has been counterbalanced with the goal of providing the best possible service currently available for Iowa schools.

No general fund monies will be used to meet these obligations. The source of funding for this project is moneys remaining after Toxic Cleanup Day events held in calendar year 2002.

At this time, the Department requests Commission approval to enter into a contract with Recycle America – Asset Recovery Group and Midwest Electronics Recovery for the Iowa schools computer recycling event project.

Brian Button stated that this is a contract with two firms. Recycle America out of Minnesota and Midwest Electronic Recovery from Walford, Iowa. The contract is working with us so that schools can bring old computers, monitors, printers and electronic equipment through these events and properly manage. Midwest Electronics is one of the firms that is new and we're trying to reward contracts to them but they don't have the track record. We have worked with Recycle America in the past, they have a great track record, but we thought this time we would award 6 out of eight of our collection sites to the Minnesota firm and award 2 to the Iowa firm. This is a

way for them to put this on their resume and gain that experience. The contract in total is not to exceed \$50,000. What is interesting is back in December we sent a survey out to all school superintendents and AEA officers throughout the state and found out that there are over 6,000 computers, 6,000 monitors, 3,000 printers along with other accessories that are sitting there and are no longer any use to those schools. I feel this is only the tip of the iceberg. There will be a small charge for the schools to participate particularly when dealing with TVs and the monitors. There will be a five dollar charge for the first three computers, after that then we'll get rid of them for free. The events will take place throughout the state in May and June. The funding for this is from our household hazardous materials toxic cleanup dates.

Darrel Hanson asked what are the waste disposal issues with monitors and computers? What makes them a candidate for not just throwing them out?

Brian Button stated that with the monitors there is a lot of lead, mercury in the screens, a lot of heavy metals in the circuit boards same with computers. On the other side of it some of those things can be recovered, they are a resource; they should be going into a landfill. Through our toxic cleanup dates we are accepting computers at a few events from the public. People do not mind paying the small fee to get rid of their old equipment. That is not a sustainable solution; the department is participating in some discussions that are taking place nation wide through the product stewardship institute, which is housed in the University of Massachusetts. There is a national dialogue going with the manufacturers, with the retailers and other state agencies because Iowa can not tackle this issue by themselves. We're trying to work at a national level. Hopefully there will be some type of take back program. Meanwhile, we are going to try and handle some of these events and get a hold of how many things are out there as far as generation.

Rita Venner mentioned that this seems to be a great program for schools. They don't really know what to do with all of these. Are a lot of these rebuilt and resold?

Brian Button said Yeah, we want to see reuse and not to just take them and recycle. There is a strong reuse component to the contracts.

Kelly Tobin asked if these computers getting thrown in a truck or put in boxes?

Brian Button said that they will be put on trucks, taken back to their firm's facility and there they are sorted out. Then the ones that will actually be checking for reuse capabilities, if not they will de-manufacture them.

Kathryn Murphy asked if the collaboration of a larger out of state company and a small local Iowa company kind of a revisit for your bureau? Didn't you do that with your tire contracts?

Brian Button stated that it is our decision. We contacted Recycle America. They finished the highest in the scoring. We told them what we wanted to do and they didn't have an issue with that.

*Moved by Jerry Peckumn to approve the contract for the computer collection project as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT – METRO WASTE AUTHORITY- HOUSEHOLD HAZARDOUS MATERIALS CONTRACTOR**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department of Natural Resources is requesting approval to contract with Metro Waste Authority to provide hazardous waste collection and disposal services for Department sponsored Toxic Cleanup Days (TCD). The contract amount is not to exceed \$90,013 for spring 2003 events to be held in Cass, Hamilton, Humboldt, and Pocahontas Counties. Fall 2003 TCD events will be amended into the contract at a later date. Toxic Cleanup Day host counties are required to provide a cost share for the disposal of hazardous materials collected based upon the number of TCD events previously held.

**Background**

Toxic Cleanup Days are one-day events to provide households and farms a safe and environmentally responsible way to dispose of household hazardous materials. It also provides an opportunity to educate the public about using safer alternatives, buying only what is needed, and safe use, storage, and disposal of household hazardous materials.

**Contractor Selection**

The Department solicited proposals from hazardous waste firms to provide collection and disposal of the hazardous material collected at the Toxic Cleanup Days. Four proposals were received. Each was evaluated on a number of criteria such as experience, safety and contingency plans, environmental compliance history, waste disposal hierarchy, use of subcontractors, and cost. Cost was evaluated by a schedule of fees and a cost estimate for a hypothetical event described in the RFP.

After reviewing each of the proposals, the review committee recommended Metro Waste Authority as the hazardous waste contractor.

<b>Applicant:</b>	Metro Waste Authority 300 E. Locust, Ste. 100 Des Moines, IA 50309
<b>Contact:</b>	Judi Mendenhall
<b>Phone:</b>	515-967-5512
<b>Coordinator:</b>	Kyle Fischer



Reasons for Metro Waste Authority's recommendation are as follows.

- ▶ ☐ Experienced, local staff,
- ▶ ☐ Excellent safety training,
- ▶ ☐ Good performance in past TCD events,
- ▶ ☐ Record of recycling or reusing 65% of the material collected,
- ▶ ☐ Good training for volunteers,

The contract will be for Fiscal Year 2003 with a possible extension for Fiscal Year 2004 if the Department is satisfied with the service received. TCD events to be held in fall of 2003 will be added to the contract once they have been selected.

### **Toxic Cleanup Days, Spring 2003**

Provided for your information is a list of the counties selected to host a Toxic Cleanup Day in the spring of 2003. The Department received six (6) proposals, one of which was withdrawn prior to evaluation. Another application was for a fall 2003 event and will be evaluated later. The Department approved funding for the remaining four counties. The Division has negotiated an agreement for local cost share with each county based on the number of households in the county and the number of previous events it has hosted. The Department will pay the remainder of the disposal costs.

### **Events selected for Spring 2003**

#### **Cass County**

May 3, 2003

Contact: M J Broomfield

Cass County Fairgrounds

Phone: 712-243-4196

Atlantic, Iowa

Local share: \$4,590.00

Department share: Not to exceed \$14,176.00

#### **Hamilton County**

April 26, 2003

Contact: Troy Hassebrock

Hamilton County Exposition

Phone: 515-832-3511

Webster City, Iowa

Contact: Harold Elliott

Phone: 515-539-4420

Local share: \$8,000.00

Department share: Not to exceed \$24,556.00

#### **Humboldt County**

May 10, 2003

Contact: Douglas E. Wood

Humboldt County Fairgrounds

Phone: 515-332-4809

Humboldt, Iowa

Local share: \$2,148.00  
Department share: Not to exceed \$22,238.00

**Pocahontas County** May 17, 2003  
Contact: Aimee Devereaux Pocahontas County Fairgrounds  
Phone: 712-335-3414 Pocahontas, Iowa

Local share: \$2,712.75.00  
Department share: Not to exceed \$19,043.00

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Applications not recommended for funding:

The City of Sioux City submitted an application for fall 2003. The Department is holding the application for consideration when the fall applications are reviewed.

The City of Hawarden submitted an application for the city of Hawarden only. The application was withdrawn in anticipation of a fall TCD for all of Sioux County.

At this time, the Department is requesting Commission approval to enter into a contract with Metro Waste Authority to provide collection, reuse, and disposal services of household hazardous materials collected through Toxic Cleanup Day events.

Brian Button said that this is a contract for Metro Waste authority to serve as our contractor for our toxic clean up day events in 2003. We've worked with Metro Waste Authority in the past and I think what's really nice about working with them is it gets back to they collect these materials that come in from households at these local events. Where possible they look for a reuse option. They take all there materials to the general collections area here in Bondurant, sort through them and if there's a reuse capability that's what they'll do, if not then they will send them off for proper management outside the state of Iowa. The contract is not to exceed \$90,013. The fall events have yet to be decided.

Jerry Peckumn asked if any citizen from Iowa take items to these Toxic Waste days? Is it for the county residences only?

Brian Button said that the county is putting up a cost share, so it would basically be for the county residence. However, we may get a call from someone in Webster County and they may have some nasty stuff, we can work with Hamilton County to see if they will let them dispose of it. Certainly something we can make arrangements for. One thing we've found is that people won't drive over ten miles to go to these events. We hold the events on the following days because of the weather. Our volunteers have to dress in tyvke suits and that becomes too hot for them. We would like to make it so that it doesn't interfere with the farmers but this is a volunteer driven event and the suits are very hot. We'll discuss this again. Late March? April?

*Moved by Jerry Peckumn to approve the contract with Metro Waste Authority as presented. Seconded By Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT –BARKER LEMAR ENGINEERING CONSULTANTS AND CITY OF DUBUQUE - UNIT BASED PRICING RATE STRUCTURE SERVICES PROGRAM**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the Department entering into a contract for services with Barker Lemar Engineering Consultants and the City of Dubuque, to determine the appropriate unit-based pricing (UBP) system and establish UBP fee structure specific and unique to selected communities. The contract amount is not to exceed \$40,000 for the period February 2003 through September 2003. This expenditure will result in many benefits for the selected communities, including:

- More accurately identify true cost of community solid waste management;
- Reduction of solid waste disposal by a community;
- Reduction of municipal solid waste management costs;
- Increased waste minimization through changes in resident's purchasing and consumption habits;
- Extended landfill life;
- Increased use of existing recycling programs;
- Conservation of natural resources;
- Support for Iowa's solid waste hierarchy and waste reduction goals; and,
- A more equitable fee system for all residents.

**Background**

UBP, also known as Pay As You Throw (PAYT), is a system in which residents pay for municipal solid waste management services per unit of waste collected rather than through a fixed fee or property taxes. This method is similar to how other utilities are priced. For example, a household's electrical and water bills are based upon the amount of water or electricity consumed. UBP charges the household for the amount of waste collection and disposal services consumed. The household generating more waste pays more. As households examine alternatives for reducing costs, they realize how waste reduction, recycling and other strategies can save them money.

Currently, 463 communities have implemented UBP programs in Iowa, ranking Iowa third in the nation. According to a recent study published by the Reason Foundation, a Los Angeles-based research and educational organization, UBP waste collection programs have resulted in a 17 percent drop in garbage tonnage. The study also found that UBP programs are the most effective way to involve communities in recycling, composting and source reduction.

Prior to issuing the RFP for this project, the Department sent UBP Opportunity Notices to planning areas and communities that had attained the 25% waste reduction goal. The Department received letters of interest from the Rathbun Area Solid Waste Commission (13 communities), Benton County (14 communities), and the cities of Newton, Bettendorf, and Monona for a total of 30 communities. All communities with the exception of those in Benton County were selected to participate in this initial UBP project due to budget constraints. Benton County communities will be asked to participate in the program as part of the Energy and Waste Management Bureau's FY04 work plan.

### **Contractor Selection**

Copies of the RFP were direct mailed, posted on the Targeted Small Businesses web site and made available on the Energy and Waste Management Bureau web site. Two proposals were received. A review team consisting of three Bureau staff and representatives from Appanoose County and the City of Newton reviewed the proposals on a number of criteria, including previous experience, budget, quality of the work-plan and proposed timeline.

After reviewing the proposals, the review committee selected a proposal from the collaboration of Barker Lemar Engineering Consultants and the City of Dubuque. The reasons for the selection were their previous experience with UBP projects, the quality of their work-plan and the ability to work with more communities within the budget provided.

No general fund monies will be used to meet these obligations. The source of funding for the project is the Solid Waste Alternatives Program (SWAP). This project has been designated as a SWAP "targeted project" by an advisory committee comprised of stakeholders.

At this time, the Department requests Commission approval to enter into a contract with Barker-Lemar Engineering Consultants/City of Dubuque for the Unit-Based Pricing Rate Structure Services Program.

Brian Button said that this is a contract that will be funded through the solid waste alternatives program. This project was approved by an advisory committee. We're looking to do some projects that we wouldn't normally receive proposals for and what this one is. It's to have a contractor work with communities on developing a unit based pricing program for solid waste collection. All that means is that you pay for the service comparable to your use of it. Just like a utility or like garbage. We want to try to put in state of the art unit based pricing programs and have the communities work with the contractor. We have selected Barker LaMar Engineering Consultants here in Des Moines and the City of Dubuque. They will be working cooperatively on this. It's nice having the City of Dubuque's perspective on this because they will be working with our local governments. The response from the local government was pretty overwhelming and we're not going to be able to fund all of the participants, but we're hoping to have phase two of this project next year. But we'll have the Rathbun Area Solid Commission participating in the thirteen communities, that's essentially Appanoose and Wayne County. The cities of Bettendorf and Monona. We selected the cities up front and had them participate in the review of the proposals from the potential contractors. We had Appanoose county and the city of Newton on that review team. After all they will be the ones working with this firm. There is a requirement for those communities who don't make the twenty-five percent goal, they have to institute unit

based pricing. We put conditions in here that you had to be over twenty-five percent in order to participate. We're not going to help you do something that you're required to do. We're also going to be looking at some numbers and try to look at what the impact unit based pricing will have on a community that is already having a successful recycling program. How much more can we get out of it.

*Motion was made by Darrel Hanson to approve this contract Barker LeMar Engineering as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**GRANT -- HOUSEHOLD HAZARDOUS MATERIALS EDUCATION GRANT PROGRAMS  
RECOMMENDATIONS**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Provided is a summary of the Household Hazardous Materials Education grant proposals received and selected for funding. The Department received five (5) household hazardous materials education proposals for review during the January 2003 round of funding. Three (3) of these are recommended for funding.

**Background**

Two funding opportunities exist that address the household hazardous materials education. The Household Hazardous Materials General Awareness Grant Program provides grants to educate Iowans on the hazardous nature of certain household products, proper use of the products, and the proper methods of disposal of residual product and containers in order to protect the public health, safety, and the environment. This Program requires a 50% local match.

The Retailers Consumer Education Program provides grants to applicant agencies to assist retailers in complying with Iowa law and to educate consumers at the point of purchase on hazardous wastes generated in the household. Education will enable consumers to make more informed purchasing decisions. This Program has no local match requirement.

Energy and Waste Management Bureau staff conducted joint review of these proposals on January 8, 2003. Household Hazardous Materials funding notices were mailed to county board of supervisors, council of governments, landfill operators, recycling coordinators, county boards of health, and county emergency management coordinators throughout Iowa.

The following three project proposals were recommended for funding:

<b>Applicant:</b>	Agren, Inc. 1238 Heiress Ave	<b>DNR Grant:</b>	\$ 49,643
		<b>Match:</b>	\$ 51,702

<b>Contact:</b>	Carroll, IA 51401	<b>Total Costs:</b>	\$101,345
<b>Phone:</b>	Jamie Ridgely	<b>Program:</b>	HHM General Awareness
<b>Coordinator:</b>	712-292-6248		
	Stanley Buman		

**Description:** The goal of this project is to develop a sustainable household and farm hazardous materials resource for rural residents. It will provide information regarding the identification, purchase, handling and disposal of hazardous materials and ultimately result in farmers taking voluntary action to prevent water pollution. To do this the applicant will update and expand the Farm\*A\*Syst program, a public awareness and education tool targeting Iowa farmers and rural families statewide.

**Partners:**

Iowa Farm Bureau Federation  
 Iowa State University Extension  
 Metro Waste Authority  
 Carroll County Landfill and Metro Waste Authority Satellite RCC  
 Landfill of North Iowa  
 Waste commission of Scott County  
 Iowa Department of Ag and Land Stewardship  
 Local FFA Chapters  
 RCCs statewide

<b>Applicant:</b>	Clinton County Area SWA	<b>DNR Grant:</b>	\$ 7,750.00
	4292 220 <sup>th</sup> St.	<b>Match:</b>	\$ 7,750.00
	Clinton, IA 52732	<b>Total Costs:</b>	\$15,500.00
<b>Contact:</b>	Laura Liegois	<b>Program:</b>	HHM General Awareness
<b>Phone:</b>	563-243-4749		
<b>Coordinator:</b>	Laura Liegois		

**Description:** The applicant will target residents of Clinton, Cedar, Jackson, and Jones Counties who use local rivers for boating and fishing. Education will be provided on the effects of illegal dumping of motor oil and other products in the river, how to handle spills when boating, and who to contact if accidents do happen. Education days will be held at local marinas and docks including distribution of spill kits, key chains, and recycled plastic pails imprinted with Clinton County's Regional Collection Center information.

**Partners:**

Cedar County Solid Waste Commission  
 Jackson County Sanitary Disposal Agency  
 Jones County Solid Waste Management Commission

<b>Applicant:</b>	INRCOG	<b>DNR Grant:</b>	\$ 7,972
	501 Sycamore St., Ste 333	<b>Match:</b>	\$ 2,500
	Waterloo, IA 50703	<b>Total Costs:</b>	\$10,472
<b>Contact:</b>	Jodi Jeanes	<b>Program:</b>	Retailer's Consumer Education Program
<b>Phone:</b>	319-235-0311		
<b>Coordinator:</b>	Sharon Juon		

**Description:** The Iowa Northland Regional Council of Governments will assist Black Hawk County retailers comply with Iowa law regarding the sale of household hazardous materials. Iowa law requires retailers selling HHMs to obtain a permit, post educational materials, and have educational materials available to consumers. Information will be obtained through one-on-one meetings with retailers and a database on compliance developed.

**Partners:**

Black Hawk County Solid Waste Management Commission

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Projects not recommended for funding include:

<b>Applicant:</b>	East Central Iowa Council of Governments
<b>Coordinator:</b>	Marie DeVries
<b>DNR Grant:</b>	\$15,000.00
<b>Match:</b>	\$15,975.00
<b>Total Costs:</b>	\$30,975.00
<b>Grant type:</b>	General Awareness

<b>Applicant:</b>	Des Moines County Regional Waste Commission
<b>Coordinator:</b>	Becky Perry
<b>DNR Grant:</b>	\$ 2,500.00
<b>Match:</b>	\$2,500.00
<b>Total Costs:</b>	\$5,000.00
<b>Grant type:</b>	General Awareness

At this time, the Department is requesting Commission approval to enter into a contract with Agren, Inc. to update and expand education information for Iowa farmers through the Farm\*A\*Syst program.

Brian Button said this is to provide household hazardous materials education grants to a couple of local communities and to one firm. Only one of these in above the twenty five thousand dollars. We're requesting your approval to enter into a contract for \$49,643 with Agren Inc. out of Carroll Iowa. I think this program has some appeal in the fact that it is going to be using an

existing program that a lot of you are probably familiar with the pharmacist program. We will be developing materials that would be focusing on rural and farm communities on how to properly purchase manage and dispose of hazardous materials. I would point out on page two of the brief of the partners that will be participating with us. This is funded by the household hazardous materials fund, which is from any retailers out there selling a household hazardous material has to pay a \$25.00 fee each year. This money goes into assisting these grants.

Rita Venner asked if you are just asking for the contract with just Agren or all?

Brian Button stated that this is the only one that surpasses the twenty-five thousand dollar threshold. The rest are just provided to you as information only.

*Motion was made by Jerry Peckumn to approve the contract with Agrigant Inc. as presented. Seconded by Rita Venner . Motion carried unanimously.*

Darrel Hanson reported to abstain from this contract because one of his employers is a partner with the firm.

**APPROVED AS PRESENTED**

### **CONTRACT –IOWA STATE UNIVERSITY GIS FACILITY - DELIVERY OF COLOR INFRA-RED DIGITAL ORTHOPHOTOS THROUGH THE WORLD-WIDE-WEB**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the Department entering into a contract for services with the Iowa State University GIS Facility to implement and maintain an Internet application for delivery of color infra-red (CIR) digital orthophotos through the World-Wide-Web. The contract amount is not to exceed \$60,000 for the period February 2003 through February 2008. The contract will assure immediate and continuous public access to the CIR digital orthophotos (DOQs). This expenditure is integral to the success of the Iowa Color Infrared Digital Orthophotography Project (ICIRDOP).

#### **Background**

ICIRDOP is a cooperative funding effort to acquire color infra-red aerial photography and digital orthophotography for the entire state. IDNR is co-sponsoring this effort with the Iowa Geographic Information Council's Remote Sensing Committee. ICIRDOP currently includes 43 funding partners (Attachment A). Aerial photography was acquired for the entire state between March 20, 2002 and May 20, 2002. Funding partners have now received more than half of the digital orthophotos. They will receive the entire statewide dataset (4,292 DOQs) by May 1, 2003.



A primary objective of this cooperative funding effort is to produce products that are in the public domain and that are widely accessible to the public. The ISU GIS Facility will **provide free public access to the CIR digital orthophotos through an on-demand image viewing and downloading application**. This web-based application, referred to as the Geographic Image Map Server (GIMS), was developed two years ago through an initial collaborative effort to provide public access to digital orthophotos. Built on technology developed at MIT, this site ranks among the top sites in the nation and is the premier site for accessing existing black-and-white digital orthophotography for the state of Iowa.

**On average, the GIMS serves 70,000 unique images per month.** Nearly 40,000 of these image requests are for the existing black-and-white DOQs. The GIMS represents a great opportunity to provide the public access to the new CIR DOQs. The GIMS provides an interactive user interface and flexible download options so that the DOQs can be accessed and downloaded by novices and professionals alike. Because the site is already built to serve DOQs, there will be little delay in providing the CIR DOQs to the public. The site is located at <http://ortho.gis.iastate.edu>.

Currently, file server limitations require that the GIMS serve existing black-and-white DOQs (216 Gigabyte dataset) at a maximum resolution of 2 meters. The first portion of this contract will be to purchase a new file server with sufficient disk space to serve the new CIR DOQs (650 Gigabyte dataset) at full 1 meter resolution.

The second portion of this contract will be to enhance the GIMS by developing additional tools and functions. A specific set of six enhancements will be included in the contract. Enhancements include creation of a query tool so users can search for there area of interest by legal description and establishing transparent links to the DNR's on-line GIS library for download of DOQs in compressed format. Both of these enhancements should contribute toward shorter transaction times allowing the GIMS to handle the anticipated increase in data requests.

No general fund monies will be used to meet these obligations. The 43 funding partners recognize the value of providing public access to the digital othophotos and agree to provide up to 5% of their contributions to the GIMS. IDNR, as project sponsor, has collected the needed funds from the funding partners and will manage the project.

At this time, the Department requests Commission approval to enter into a contract with the Iowa State University GIS Facility for delivery of color infra-red digital orthophotos through the World-Wide-Web.

Tim Hall – passed around handouts.

Tim Hall said that this agenda item is for a contract with Iowa State University's GIS facility to put color infrared, digital orthophotography on the web so citizens and patrons of the state can access it. You recall some time ago you approved a contract with color infrared photography blown for the entire state. The entire state has been blown and the vendor is providing photos to us on a regular basis, so he's working on getting across the state. As indicated in the agenda item we expect to have the entire state wide date set by May 1 of this year. The contract is for he folks at Iowa State to put this imagery up on the web so that anyone can access it on the web. It will all

be there. The handouts show the different types of imagery that will all be there. This contract will add the color infrared. There are a number of funding partners that are participating in this project some are counties, cities and a bunch of other non-profit organizations. The agenda item is to approve the contract for \$60,000 that covers a five year period to put this imagery up and maintain it so that it's accessible to obtain it for anyone to have access to it. The resolution on these photos are large enough that you can see a hay bale in a field. The people in the field office are excited about this when looking at land use issues and maybe investigating land spill issues and finding out other sorts of information. Anyone can access this.

*Motion was made by Kelly Tobin to approve this contract as presented. Seconded by Gary Priebe. Motion carried unanimously.*

Darrel Hanson reported to abstain from this contract because one of his employers is a partner with the firm.

**APPROVED AS PRESENTED**

## **REFERRALS TO THE ATTORNEY GENERAL**

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a) Harry Trafton, Trafton Enterprises, Inc. and Interstate Lounge, Inc. (Underwood) – underground tanks.
- b) Dave Hansel (Hamilton County) – animal feeding operation/penalty collection.
- c) John Flood (Wayne County) – animal feeding operation/penalty collection.
- d) Rimade Tire Shredding and Dean Drees (Carroll County) – solid waste.
- e) C. Dave Albright and Van Meter Development Corp. Joint Venture (Dallas County) – penalty collection.

ITEM A

Mike Murphy said that we have five proposed referrals to the attorney general. The first one involves Trafton Enterprises, Harry Trafton and Interstate Lounge Inc involving an underground tank situation. We issued an administrative order to permanently close some existing underground tanks that are no longer being used. That order was a \_\_\_\_\_ order and did not get an appeal of it so we're asking that it be referred to get a judgment on the penalty and also to get injunctive \_\_\_\_\_ with those things closed. Trafton Enterprises and Harry Trafton also own facilities in Underwood and near \_\_\_\_\_ that we did at least let one to close the tanks yet they failed to install and sample groundwater well. They need to be ordered to do that work. We figured as long as their being referred we might as well add this to it.

Kelly Tobin asked if the bar have anything to do with it?

Mike Murphy said the second case. No. They were included in the first order. They have some responsibilities. They didn't appeal either. I don't believe that this is the same owner.

*Motion was made by Darrel Hanson to approve the first referral with Harry Trafton, Trafton Enterprises Inc and Interstate Lounge as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**REFERRED**

ITEM B

Mike Murphy said that Dave Hansel of Williams, Iowa. He owns a swine confinement in Hamilton County. In 2001, he was issued an administrative order due to failure to have current management plan and to maintain records. Also was not certified as a confinement site manure applicator. The order assessed a \$1,300 penalty. It is not appealed. Penalty was not paid. We corresponded with him with no luck on getting the payment from him. So it was asked to refer to the Attorney General.

Darrel Hanson asked if he has given you a reason as to why he is not paying it?

Mike Murphy said No. He hasn't responded at all to any correspondence.

*Motion was made by Darrel Hanson to refer Dave Hansel as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**REFERRED**

ITEM C

Mike Murphy said that John Flood owned this discontinued swine confinement operation in Wayne County. Efforts to get him to clean up the remaining manure of that failed. So we issued an order in 2001 directing that the manure be removed and properly closed and assessed a \$1,000 penalty. He did properly close the lagoon. He did respond to the referral letter and did say that he was going to pay the penalty but as of this morning we have not received that yet.

*Motion was made by Darrel Hanson refer John Flood as presented. Seconded by Rita Venner. Motion carried unanimously.*

**REFERRED**

ITEM D

Mike Murphy said Rimade Tire Shredding and Dean Drees. This is the tire stock pile that we spent \$231,000 plus to clean up. We had an agreement with them in which they only had to pay up to \$10,000 for his part in it. We received \$850.00. Repeated efforts in getting him to pay that, in pursuant to the agreement that he signed to obtain our assistance, we're authorized to go in and seek judgement on the total amount and that's what we're requesting.

Rita Venner asked that since this is a rather large amount of money, is there any kind of charges that can be put into place if he doesn't pay the rest?

Mike Murphy stated that there are various collection measures that can be pursued. If he's employeeed we could garnish his wages or put out a lien. It is important to get judgements on a lot of these even though they appear to be a dead horse at the time.

*Motion was made by Terrance Townsend to approve the referral of Rimade Tire Shredding and Dean Drees as presented. Seconded by Gary Priebe. Motion carried unanimously.*

**REFERRED**

ITEM E

Mike Murphy said C. Dave Albright and Van Meter Development Corp. Joint Venture is responsible for a housing development in Dallas County that had violations under the Storm Water permit program. We issued an order with \$4,000 penalty. That one was appealed and went to hearing and the judge affirmed the order with the exception of reducing the penalty to \$2,000. He did thereafter get his permit anyway. He was compliant as far as that goes but still has not paid the \$2,000. There has been no response and we're asking that he be referred for judgement.

*Motion was made by Gary Preibe to approve the referral of C.Dave Albright as presented. Seconded by Darrel Hanson. Motion carried unanimously.*

**REFERRED**

## MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Proposal	Notice to Commission	Notice Published	ARC #	Rules review Commission	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC #	Rules Review Commission	Rules Effective
1. Ch. 2 – Public Records and Fair Information Practices (Emission and Effluent Data Definitions)	10/21/02	11/13/02	2097B	12/11/02	-----	12/03/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03
2. Ch. 7 – Rules of Practice in Contested Cases	10/21/02	11/13/02	2099B	12/11/02	-----	12/03/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03
3. Ch. 20, Ch. 28 – Ambient Air Quality Standards (CAFO)	7/22/02	8/21/02	1876B	9/10/02	9/17, 24, 30; 10/02	10/04/02	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
4. Ch. 22 – Controlling Pollution – Title V Operating Permit Fees	2/17/03	*3/19/03		*4/08/03			*5/19/03	*5/19/03	*6/11/03		*7/08/03	*7/16/03
5. Ch. 22 – Controlling Pollution – Title V Operating Permit Fees						2/17/03	*2/17/03	*3/19/03			*4/08/03	*4/23/03
6. Ch. 28 – Ambient AQ Sampling Manual	8/19/02	9/18/02	1990B	10/09/02	10/08, 15, 16, 23/02	11/01/02	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
7. Ch. 61 – Water Quality Standards; Ch. 72 – Criteria for Approval	12/16/02	1/08/03	2228B	2/14/03	2/4-11/03	2/11/03	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
8. Ch. 65 – Animal Feeding Operations – County Construction	8/19/02	9/18/02	1989B	11/12/02	10/08/02	10/08/02	12/16/02	12/16/02	1/08/03	2242B	2/14/03	2/12/03

n Evaluation Resolutions												
9. Ch. 65 - Animal Feeding Operations - Minimum Separation Distance; Annual Compliance Fee; MMP Annual Updates; Site Inspections; Construction Permit Application Review; (Table 6 Amendment); Master Matrix	10/21/02	11/13/02	2101B	12/03/02	12/05/02	12/05/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03
10. Ch. 65 - Animal Feeding Operations; Ch. 70 - Flood Plain Development; Ch. 72 - Criteria for Approval (Confinement Feeding Operations on Flood Plains)	12/16/02	1/08/03	2229B	2/14/03	2/3,4,6,7/03	2/07/03	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
11. Ch. 107 - Beverage Container Rules	9/16/02	10/16/02	2049A	11/12/02	11/07/02	11/07/02	12/16/02	12/16/02	1/08/03	2240B	2/14/03	2/12/03
12. Ch. 108 - Beneficial Use Determinations - Solid By-Products as Resources and Alternative Cover Material	11/18/02	12/11/02	2166B	1/07/03	1/08/03	1/08/03	2/17/03	*2/17/03	*3/19/03		*4/08/03	*4/23/03
13. Ch. 109 - Special Waste Authorizations	2/17/03	*3/19/03		*4/08/03			*5/19/03	*5/19/03	*6/11/03		*7/08/03	*7/16/03
14. Ch. 116 - Registration of Waste Tire Haulers	12/16/02	1/08/03	2230B	2/14/03	1/29/03	1/29/03	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
15. Ch. 117 - Waste Tire Facilities (Set-Back Distances))	10/21/02	11/13/02	2100B	12/11/02	12/04/02	12/04/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03

## Monthly Variance Report

January, 2003

Item No.	Facility	Program	Engineer	Subject	Decision	Date

1	Conner Athletic Products-Jefferson	Air Quality		Permit Requirements	Approved	01/23/03
2	Maytag-Newton Laundry Products	Air Quality		Permit Requirements	Approved	01/16/03
3	Charles City, City of	Wastewater Construction	Fox Engineering Associates, Inc.	Aerobic Digestion	Approved	01/02/03
4	Charles City, City of	Wastewater Construction	Fox Engineering Associates, Inc.	Sludge Holding Tank-Aeration & Mixing	Approved	01/02/03
5	Maquoketa, City of	Wastewater Construction	IIW Engineers and Surveyors	Financing-Eligible Costs	Approved	01/02/03
6	Oskaloosa, City of	Wastewater Construction	Garden & Associates	Sewer Stream Crossing	Approved	01/03/03
7	Black Hawk County-IDOT Bridge Replacement-Canfield Road-Crane Creek	Flood Plain	Dave R. Claman, P.E.-IDOT Engineer	Freeboard	Approved	01/17/03
8	Delaware County Bridge-Linn-Delaware Road-Buffalo Creek	Flood Plain	Steve M. Gannon-P.E.-Linn County Engineer	Freeboard	Approved	01/17/03
9	Otter Creek-(Nettle Ave.)-Franklin County	Flood Plain	Franklin County Engineer	Channel Capacity	Approved	01/17/03
10	U.S. Bridge Replacement-Rock River-Sioux County	Flood Plain	Christine King, P.E.	Freeboard	Approved	01/17/03
11	Keokuk, City of	Wastewater Operation		Monitoring Frequency	Approved	01/02/03
12	Romech-(Division of Magna Lomason, Inc.)-Red Oak	Wastewater Operation		Monitoring Frequency	Approved	01/02/03
13	Clinton County Sanitary Landfill (East)	Solid Waste	Barker-Lemar Engineering Consultants	Groundwater Monitoring	Approved	01/23/03

## Iowa Department of Natural Resources Environmental Services Division Report of Hazardous Conditions

During the period January 1, 2003, through January 31, 2003, 34 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	55 (73)	4 (9)	40 (51)	11 (13)	18 (28)	32 (36)	1 (2)	2 (0)	0 (2)	2 (5)
November	56 (72)	13 (8)	28 (49)	15 (15)	17 (28)	36 (33)	0 (2)	0 (1)	1 (0)	2 (8)
December	38 (57)	2 (2)	26 (44)	10 (11)	12 (22)	22 (28)	1 (2)	2 (0)	0 (2)	1 (3)
January	34 (81)	6 (4)	14 (59)	14 (18)	10 (21)	20 (53)	1 (0)	2 (3)	0 (0)	1 (4)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>183 (283)</b>	<b>25 (23)</b>	<b>108 (203)</b>	<b>50 (57)</b>	<b>57 (99)</b>	<b>110 (150)</b>	<b>3 (6)</b>	<b>6 (4)</b>	<b>1 (4)</b>	<b>6 (20)</b>

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	1	6	6	9	5

\*Other includes dumping, fire, theft, vandalism & unknown

## Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period January 1, 2003, through January 31, 2003, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.



## Environmental Protection Commission Minutes

February 2003

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	10 (4)	0 (0)	5 (2)	1 (2)	4 (0)	9 (3)	1 (0)	0 (1)	0 (0)	1 (2)
November	12 (9)	0 (1)	4 (2)	3 (2)	5 (4)	12 (8)	0 (1)	0 (0)	0 (0)	0 (1)
December	5 (3)	0 (0)	1 (2)	0 (0)	3 (1)	3 (2)	0 (0)	1 (1)	0 (0)	0 (1)
January	2 (1)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	1 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>29 (17)</b>	<b>0 (1)</b>	<b>12 (7)</b>	<b>4 (4)</b>	<b>0 (0)</b>	<b>26 (14)</b>	<b>1 (1)</b>	<b>1 (2)</b>	<b>0 (0)</b>	<b>2 (4)</b>

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	0	1	1	0

**TO:** EPC**FROM:** Mike Murphy**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Doug Osweiler, South English (6)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release	Order/Penalty \$5,000	1/08/03

E00Feb-45

Harold Selim, Union Co. (4)	Animal Feeding Operation	Record Keeping; Prohibited Discharge – Confinement; Uncertified Applicator	Order/Penalty \$3,000	1/08/03
Al's Corner Oil Company d/b/a Sparkys, Bayard (4)	Air Quality	Fugitive Dust	Order/Penalty \$1,000	1/08/03
Interstate Grain, Inc., Mason City (2)	Air Quality	Construction Without Permit	Order/Penalty \$4,000	1/08/03
Cass County; Cass County Engineer (4)	Air Quality	Fugitive Dust	Order/Penalty \$5,000	1/14/03
Ray Slach, Cedar Co. (6)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Order/Penalty \$3,000	1/21/03
M. A., Inc. and Mark Anderson; Spring Grove MHP and Westside Park for Mobile Homes, Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Referred to AG	1/21/03
Sherwin-Williams Co., Decorah (1)	Hazardous Condition	Natural Resources Damage Claim	NRDC \$10,850.51	1/27/03
Puck Custom Enterprises, Inc., Manning (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty \$2,500	1/27/03
Roquette America, Inc. Keokuk (6)	Air Quality	Other Violations	Consent Order	1/31/03
Ames, City of (5)	Air Quality	Other Violations	Order/Penalty \$5,000	1/31/03
Bernard H. Cohrs; Cohrs Construction, Inc.; Cohrs Gravel Pit, Dickinson Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$7,000	1/31/03
Dale Winkowitsch, Lyon Co. (3)	Animal Feeding Operation Wastewater	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria; Prohibited Discharge	Order/Penalty Damages Claim \$1,000/\$2,126	1/31/03
Iowa Select Farms, L.P.; Swartz Finisher Farm, Hardin Co. (2)	Animal Feeding Operation	Record Keeping	Order/Penalty \$500	1/31/03
Alva Parker, Ringgold and Union Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Amended Order	12/12/02
Charles Butler, Iowa Falls (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment	12/12/02
Butler Custom Pumping, Inc., Robert Butler, Adams Co. (4)	Animal Feeding Operation	Land Application Separation Distance; Failure to Report a Release; License Discipline	Order/Penalty \$2,500	12/12/02
Merrell Butler, Adams Co. (4)	Animal Feeding Operation	Land Application Separation Distance; Failure to Report a Release; License Discipline	Order/Penalty \$1,000	12/12/02
Glen Samuleson, Adams Co. (4)	Animal Feeding Operation	Land Application Separation Distance; Failure to Report a Release; License Discipline	Order/Penalty \$1,000	12/12/02
Henderson, City of (4)	Wastewater	Compliance Schedule	Order	12/12/02
Taylor Oil Company, Ind. d/b/a Taylor Quik-Pik, Shelby (4)	Air Quality	Fugitive Dust	Consent Amendment	12/17/02
Mike Girres, Kossuth Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard; Failure to Report a Release	Order/Penalty \$2,000	12/18/02
Kuntz Farms, Inc., Des Moines Co. (6)	Animal Feeding Operation	Failure to Empty Discontinued Facilities	Order/Penalty \$1,000	12/18/02
Ankeny, City of (5)	Wastewater	Discharge Limits	Order/Penalty \$10,000	12/24/02
Anthony R. Wendler, Emmet Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; Illegal Disposal	Order/Penalty \$3,000	12/24/02
Landfill of Des Moines, Inc., Polk Co. (5)	Solid Waste	Compliance Schedule	Order/Penalty \$10,000	12/24/02
Donald Kurtenbach, Chickasaw Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty \$3,000	12/24/02
U.S. Petro, Inc.; SSJG Petroleum, Inc.; Sukhdev Singh, Muscatine, Davenport, Bettendorf (6) (5 AO's)	Underground Tank	Financial Responsibility	Order/Penalty \$32,690	12/24/02
Midway Oil Co.; David A. Requet; John R. Bliss, (11 Sites, 11 AO's) (6, 5, 1)	Underground Tank	Remedial Action	Order/Penalty \$44,900	12/24/02
Diwan, LLC; Ranbir Thakur, Davenport (6)	Underground Tank	Financial Responsibility	Order/Penalty \$10,000	12/24/02
Allison, City of (2)	Air Quality	Open Burning	Consent Amendment	12/30/02
Cordes Excavating, LLC; Clint Cordes, Allison (2)	Air Quality	Open Burning	Consent Amendment	12/30/02
Estherville, City of (3)	Wastewater	Compliance Schedule	Amended Order	12/31/02
Mount Ayr, City of (4)	Wastewater	Discharge Limits	Order	12/31/02
Lidderdale, City of (94)	Drinking Water	Operation Without Permit	Order/Penalty \$500	12/31/02
Minden, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	12/31/02
Larry Whitehead, Sidney (4)	Underground Tank	Financial Responsibility	Order/Penalty \$10,000	12/31/02

**IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU**

**DATE:** February 1, 2003

**TO:** Environmental Protection Commission

**FROM:** Michael P. Murphy

**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION			PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800			9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000			8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100			1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000			5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000			4-28-98
Otter Creek Station (Dubuque Co.)	WS	325			3-04-99
Charlie's Supper Club (Algona)	WS	100			7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200			7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200			12-12-99
Dorchester Supper Club (Dorchester)	WS	100			3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000			5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000			6-14-00
R & R Ranch (Osceola)	WW	10,000			8-30-00
Robert Watson (Griswold)	UT	1,700			9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500			11-23-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700			1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000			2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200			5-06-01
Iowa Skate U (Iowa Falls)	WS	500			5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750			6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380			7-06-01
David and Marie Phillips (Milo)	WW	1,300			7-09-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000			7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890			8-08-01
James Harter (Fairfield)	WW	1,800			8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100			9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000			9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.			10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500			10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000			10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250			10-27-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000			12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000			12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400			12-03-01
# John Flood (Wayne Co.)	AFO	1,000			12-19-01
# Dave Hansel (Hamilton Co.)	AFO	1,300			1-26-02
Crestview Trailer Park (Ames)	WS	2,500			1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000			2-05-02
Coralville, City of	WW	3,000			2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500			2-14-02
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/S	1,100			3-08-02
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	W	10,000			4-07-02
* Kiefer Built, Inc. (Kanawha)	AQ	2,500			5-30-03
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960			5-03-02
Honey Creek Campground (Crescent)	WS	1,000			4-30-02
Iowa Skate U (Iowa Falls)	WS	600			5-11-02

## February 2003

## Environmental Protection Commission Minutes

# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	6-25-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
Coin, City of	WS	250	6-28-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Leonard Anderson (Linn Grove)	UT	1,160	7-09-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Air Bears II (Thompson)	WS	300	7-13-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Rocky Knoll Mobile Home Park (Forest City)	WS	10,000	8-18-02
Park View Motel (Oelwein)	WS	750	9-06-02
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	1,750	9-15-02
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	1,750	9-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
#*Mark Pearson (Adams Co.)	AFO	165	9-23-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
# Kenneth Kline; Lynn Kline (Harrison Co.) SEP	AFO	3,500	10-04-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Braddyville, City of	WW	3,500	10-31-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Thombert, Inc. (Newton)	AQ	2,500	11-14-02
Matter's Ballroom (Decorah)	WS	300	11-29-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Monte Lapel (Crawford Co.)	SW	1,300	12-15-02
* Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	700	12-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Audubon, City of	WW	10,000	12-18-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
*#Robert Fisher (Hamilton Co.)	AFO	1,200	2-01-03
* Allison, City of	AQ	3,000	2-01-03
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
* Paul L. Nagle (Clear Lake)	AQ	600	2-15-03
* George Redman (Mitchellville)	AQ	2,267	1-15-03
*#Jason Strike (Allamakee Co.)	AFO	275	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	1,400	2-01-02
C.J. Moyna & Sons, Inc. (Elkader)	WW	10,000	2-14-02
Langman Construction, Inc. (Bettendorf)	WW	10,000	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	250	2-15-03
# Mike Girres (Kossuth Co.)	AFO	2,000	2-18-02
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000	2-28-03
#*Cedar Valley Egg Farm (Benton Co.)	AFO	2,000	3-01-03
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000	3-03-03
Lidderdale, City of	WS	500	3-04-03
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
Richard Ogden (Manchester)	WS	2,500	-----
Independence Mobile Home Park (Independence)	WS	800	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----

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Rayburn Court for Mobile Homes (Mason City)	WS	500	-----
Allan Scott (Marion Co.)	SW/WW	1,150	-----
Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040	-----
# Dave Jones (Union Co.)	AFO	1,550	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
# Doug Osweiler (South English)	AFO	5,000	-----
Al's Corner Oil Co. d/b/a Sparky's (Bayard)	AQ	1,000	-----
Interstate Grain, Inc. (Mason City)	AQ	4,000	-----
# Carstens Livestock, Inc. (Bagley)	AFO	4,000	-----
Cass County; Cass County Engineer	AQ	5,000	-----
The Sherwin-Williams Company (Decorah) Damages Claim	HC	10,850	-----
# Puck Custom Enterprises, Inc. (Manning)	AFO	2,500	-----
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500	-----
# Dale Winkowitsch (Lyon Co.)	AFO/WW	1,000	-----
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	-----
Ames, City of	AQ	5,000	-----
<b>TOTAL</b>		<b>502,875</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
Bog's Bar (Langworth)	WS	400	9-23-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02

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M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
<b>TOTAL</b>		<b>215,954</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000
Wellington Environmental (Davenport)	AQ	4,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	4,000
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480

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Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemens (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Nevada, City of	WW	9,000
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	10,000
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
Carleton Transport Service, Inc. (Sioux Rapids)	WW/HC	5,000
# Mike Coady; Tom Maday d/b/a Silver Lake Finishing	AFO	1,500
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
Larry Whitehead (Sidney)	UT	10,000
# Harold Selim (Union Co.)	AFO	3,000
# Donald Kurtenbach (Chickasaw Co.)	AFO	3,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Ankeny, City of	WW	10,000
<b>TOTAL</b>		<b>413,195</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Taylor Oil Co., Inc.; Taylor Quik-Pik (Shelby)	AQ	500
*#Robert Fisher (Hamilton Co.)	AFO	100
# Henry Pieper L.C. (Lee Co.)	AFO	3,000
Trajet Products, Inc. (Glenwood)	AQ	7,000
# John Hahn (Washington Co.)	AFO	2,000
* Paul L. Nagle (Clear Lake)	AQ	100
Sapp Bros. Truck Stops, Inc. (Percival)	WS	8,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	750
* Steve Friesth (Webster Co.) PAID IN FULL	AQ/SW	450
* Winter Mobile Home Park (New Hampton)	WS	300
* Allison, City of	AQ	500
Mitchell County; Mitchell County Engineer	AQ/SW	375
Fran Oil Company (Council Bluffs)	UT	1,750
* Moonshine Tap (New Hampton)	WS	50
*#Roger Bockes, et. al. (Tama Co.)	AFO	100
* Winter Mobile Home Park (New Hampton)	WS	200
*#Jason Strike (Allamakee Co.)	AFO	25
Eagle Investors dba Manson Ampride (Manson)	UT	900
<b>TOTAL</b>		<b>26,100</b>

The following SEPs were paid this month:

College Pro Painters (U.S.), Ltd. (Ames) to Story CCB

WW

3,500

Name, Location & Region #	Program	Alleged Violation	DNR Action	New/Updated Status	Date
ABC Disposal Systems Hiawatha <b>UPDATED</b> (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Petitioner's Brief State's Brief Hearing Ruling for State Notice of Appeal	6/26/02 7/17/02 8/30/02 9/18/02 10/07/02 12/26/02 1/28/03
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 3/03/03
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal State's Brief Defendant's Brief Oral Arguments	12/28/00 1/18/01 7/09/01 7/30/01 6/06/02 6/07/02 12/03/02
Barton, Randy and Theresa Kellerton (4)	Air Quality	Open Burning	Order/Penalty	Referred	10/21/02
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Default Judgment	2/18/02 8/08/02 9/23/02
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed	8/19/02 11/27/02
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed Tier I Assessment Completed by New Owner Tier II Assessment in Progress	11/21/94 4/18/96 9/20/96 9/20/96
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed	2/18/02 2/03/03
Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	11/18/02
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Reporting-Nitrate; Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition State's Motion for Partial Summary Judgment Order Regarding Partial Summary Judgment	4/17/99 6/01/01 11/08/02 12/16/02
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02



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Lindhahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal		Order/Penalty	Referred	5/21/01
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington NEW (6)	Wastewater	Monitoring/Reporting; Violations; Operator Discipline	Operational	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits		Referred to Attorney General	Referred	1/22/02
M-F Real Estate, Inc.; Fred Levell Carter Lake (4)	Hazardous Condition	Remedial Action		Order/Penalty	Referred	9/16/02
Mills County Landfill Association Mills Co. (4)	Solid Waste	DNR Defendant		Defense	Petition Filed Intervention by Iowa Waste Systems State's Answer Intervenor's Motion for Summary Judgment State's Resistance Order Denying Intervenor's Motion for Summary Judgment	9/26/01 5/02/02 5/20/02 8/29/02 9/12/02 12/06/02
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations		Order/Penalty	Referred	11/18/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal		Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits		Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit		Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations		Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal		Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Smesrud, Shannon d/b/a Bubba's Bar & Grill Cresco (1)	Drinking Water	Monitoring/Reporting-Nitrate; Notice	Public	Order	Referred	11/18/02
Vessel Systems, Inc. Dubuque (1)	Air Quality	Construction Without Permit		Order/Penalty	Referred	11/18/02
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR		Referred to Attorney General	Referred	10/21/02

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Notice of Intent to Place on Registry withdrawn. Site remediation completed and follow-up testing confirms contamination has been satisfactorily removed. Case closed.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 - Dept. letter to company regarding resolution of appeal. 2/7/02 -

						Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	7/25/02 – Settlement offer sent. Response promised for October.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	9/12/02 – Tentative penalty settlement subject to correction of recent inspection deficiencies.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	<b>1/02/03 – Settlement reached pending remedial work and withdrawal of appeal.</b>
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	<b>1/31/03 – Sent to DIA.</b>
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/14/02 Amended order. New facilities to be completed this year.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	7/02 – One issue of appeal remains to be settled.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half – remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	<b>9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.</b>
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settled for \$3,000. Payment plan initiated.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	<b>9/9/02 – Letter received from city engineer regarding compliance schedule and appeal issues. 10/24, 25/02 – Letters received from City engineer regarding appeal and WWTF improvements. 12/02 – WW permit staff requested to draft amended permit to resolve appeal. 1/31/03 – Report on status of permit requested from WW staff.</b>

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4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 7/02.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit issued 10/24/02. 90-days to complete construction. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established. 5/02 – First two penalty payments received.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	<b>1/28/03 – Second request to Kronlage's attorney for settlement offer.</b>
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Settled. Awaiting return of signed consent amendment.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/02 – City/industry progressing with facility improvements.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 1/21/03.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Default judgment to be entered in favor of Dept. Appeal closed. Penalty due.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	AGP has sold this facility. Checking with new owner regarding interest in appeal issue.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Permit amended to resolve appeal. Awaiting dismissal by Fansteel.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/02 – City/industry progressing with facility improvements.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	<b>1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer. 3/02 – Settled. Consent order to be entered into. 7/1/02 – Dept. letter with consent order to city attorney. 7/22/02 – Consent order signed by Director and issued. 7/29/02 – City attorney sent motion to dismiss appeal to ALJ. 8/5/02 – ALJ issued order closing appeal. Penalty payment due 10/31/02. 1/31/03 – Status report requested from FO4.</b>
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiations continue.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	<b>Substantial compliance achieved. Order settled. Penalty payment due 1/31/03.</b>
5/29/01	Wayne Wheatley dba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Compliance initiated.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	<b>7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to</b>

						schedule in the order. 1/31/03 – Status report requested from FOS.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Settled. Compliance achieved, penalty settled. Penalty received. Case closed.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Compliance completed, negotiating penalty settlement.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc. 1/31/03 – Status report requested from FOS.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Midway has failed to sign settlement agreement and is in breach of oral agreement. Hearing set for 2/4/03.

7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Hearing set for 2/4/03.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 – Dept. settlement offer with schedule for improvements. 4/29/02 – Letter received from WS attorney regarding settlement. 11/02 – Proposed consent order drafted. Waiting for interim limits from WW permits to attach to order.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Administrative consent order executed to settle all issues. Appeal dismissed. Awaiting penalty settlement payment.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Hearing continued. Settlement agreement signed. Assessment submitted. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.

12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty payment plan established.

## Environmental Protection Commission Minutes

February 2003

						established.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/08/02	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Requesting additional materials to review.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review. 7/5/02 – Dept. received letter from City attorney and City engineer; under review by WW permits section. Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	8/16/02 – First penalty payment received. Final payment due 9/15/02.
3/20/02	Mike Messerschmidt	6	Order/Penalty	AQ/SW	Book	Hearing rescheduled for 2/18/03.
4/11/02	William Habbab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement. 1/27/03 – Revised treatment agreement received from company attorney.
4/30/02	Dennis Frederickson; Mark Frederickson	4	Order/Penalty	AQ/SW	Preziosi	10/04/02 deadline to respond to DNR letter. 11/02 – No response. To be set for hearing.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	Hearing re-set for 2/14/03.
5/02/02	Minden, City of	4	Order/Penalty	WW	Hansen	Amended order to be issued to resolve appeal. 9/3/02 – Letter from city engineer regarding project and new schedule. 10/30/02 – Letter and draft order to City attorney for review. 11/14/02 – Letter from City attorney requesting schedule changes. 11/22/02 – DNR letter with revised consent order including requested changes. 12/27/02 – Amended order signed by Director. 1/31/03 – Copy of order sent to City attorney with letter regarding closing of appeal.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	Negotiating before filing.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
5/08/02	Swine Graphics Enterprises, L.P., ADL V Sow Farm	5	Order/Penalty	AFO	Murphy	5/17/02 – Sent to DIA. To be submitted to ALJ by stipulation.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	Negotiating before filing.

5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	<b>Will resolve with other Wellington case. Appeal under consideration by Company. Negotiations continue.</b>
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Settled. Consent amendment agreed upon.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.

6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
6/14/02	Deer Track Subdivision; F & J Enterprises	4	Order/Penalty	WW	Murphy	Negotiating before filing.
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
6/27/02	Northwest Iowa Solid Waste Agency	3	Stipulated Penalties	SW	Tack	9/10/02 - Settlement offer sent.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	<b>Will resolve with other Wellington case. Appeal under consideration by Company. Negotiations continue.</b>
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	<b>Tank closure completed. Negotiating penalty.</b>
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Refer to DIA.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 - Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	<b>Settlement agreement. Hearing postponed indefinitely.</b>
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	Negotiating before filing. \$500 penalty payment received for uncontested portion. 12/02 - City requested to submit revised report.
7/22/02	Thombert, Inc.	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	1/01/03 - Settlement close.
7/31/02	<b>College Pro Painters</b>	5	<b>Order/Penalty</b>	<b>WW</b>	<b>Murphy</b>	<b>1/01/03 - Settled. SEP payment received. Case closed.</b>
8/08/02	Jason Strike	1	Order/Penalty	AFO	Murphy	1/01/03 - Settled. On payment schedule.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Compliance initiated.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.

8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Clean-up under way. Significant progress made as of 11/14/02 inspection. Negotiating next deadline.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	Negotiating before filing.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Negotiating before filing.
9/06/02	<b>Mitchell Co. Board of Supervisors</b>	2	Order/Penalty	<b>AQ/SW</b>	<b>Book</b>	<b>1/22/03 - Penalty paid. Case closed.</b>
10/01/02	Stan Siems	2	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.

10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
10/21/02	Taylor Oil Co., Inc.; Taylor Quik-Pik	4	Order/Penalty	AQ	Book	1/19/03 – Penalty paid. Case closed.
10/21/02	Caldwell Meats, Inc.; James Caldwell	5	Order/Penalty	UT	Wornson	Negotiating before filing.
10/24/02	Harold L. Foster; Carolyn Foster; Glolin, Inc.	4	Order	UT	Wornson	Fosters appealed. Glolin, Inc. and Webers did not. Tank closure completed. Negotiate penalty.
11/04/02	Walker Bros. Livestock Corp.	6	Order/Penalty	WW	Murphy	Negotiating before filing.
11/12/02	Audubon, City of	4	Order/Restitution Claim	WW	Murphy	Negotiating before filing.
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	Order/Penalty	WW/HC	Wornson	Negotiating before filing.
11/13/02	Fran Oil Co.	4	Order/Penalty	UT	Wornson	Compliance completed. Penalty received. Case closed.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	Order/Penalty	AFO	Murphy	1/10/03 – Sent to DIA. To be submitted to ALJ by stipulation.
11/18/02	Randy Lewis & Lewis Contracting Co.	4	Order/Penalty	WW	Murphy	Negotiating before filing.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Negotiating before filing.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	Negotiating before filing.
12/09/02	Carleton Transport Service, Inc.	3	Order/Penalty	WW/HC	Murphy	12/31/02 – Settlement offer.

12/26/02	ADM	6	Permit Conditions	AQ	Preziosi	New case.
1/09/03	Michael Coady; Silver Lake Finishing	2	Order/Penalty	AFO	Tack	New case.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	New case.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	New case.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	New case.
1/14/03	Monsanto	2	Order/Penalty	AQ	Preziosi	New case.
1/21/03	Donald Kurtenbach	1	Order/Penalty	AFO	Tack	New case.
1/24/03	Kuntz Farms, Inc.	6	Order/Penalty	AFO	Clark	New case.
1/27/03	Larry Whitehead	4	Order/Penalty	UT	Wornson	New case.
1/27/03	Harold Selim	4	Order/Penalty	AFO	Clark	New case.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	New case.
1/29/03	Ankeny, City of	5	Order/Penalty	WW	Hansen	New case.

## IOWA DEPARTMENT OF NATURAL RESOURCES

### ENVIRONMENTAL SERVICES

### REPORT OF WW BY-PASSES

During the period January 1, 2003 through January 31, 2003, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
<b><i>October '02</i></b>	<b><i>5(9)</i></b>	1.4	.0291	4	0(0)
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03					
March '03					
April '03					
May '03					
June '03					
July '03					
August '03					
September '03					

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	1	0	1	1

Mike Murphy said that fugitive dust is from county roads, coal piles, usually outside sources. It's concentrated enough that it does cause problems. The elevators can have problems from the point sources. The most common fugitive dust problems are from county roads or construction roads or a huge coal pile. If it's a county road the county is in charge of keeping the dust down.

<b>INFORMATIONAL ONLY</b>
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## **GENERAL DISCUSSION**

Kathryn Murphy mentioned that we should hang on to our handouts for the Dickinson County hearing that has been continued. Anytime that we can, clarify something, so that the public or staff attending our commission meetings will not assume something.

## **NEXT MEETING DATES**

Our May 19<sup>th</sup> Commission meeting will be held at the John Deere Plant in Waterloo with a tour to follow on the 20<sup>th</sup>.

## **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 12:00 p.m., Monday, February 17, 2003.

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Jeffrey R. Vonk, Director

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Kathryn Murphy, Chair

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Rita Venner, Secretary

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